

# House Bill 2790

Sponsored by COMMITTEE ON AGRICULTURE AND LAND USE (at the request of Representative Brian Clem)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Amends definitions of "outdoor mass gathering" for purposes of land use and public health laws. Requires counties to consider outdoor mass gathering as land use decision only if gathering involves more than 3,000 individuals or is agri-tourism on lands zoned for exclusive farm use.

Requires applying only clear and objective standards to permit review for agri-tourism gatherings of 500 individuals or less.

Requires counties to review public health impacts of outdoor mass gathering of more than 500 individuals. Allows county to consolidate mass gathering review with land use decision. Makes approval of consolidated permit subject to appeal only to Land Use Board of Appeals. Allows county to charge larger fee for approval of larger outdoor mass gathering.

## A BILL FOR AN ACT

1  
2 Relating to mass gatherings; creating new provisions; and amending ORS 197.015, 215.213, 215.283,  
3 433.735, 433.750, 433.755, 433.760, 433.763 and 433.767.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 197.**

6 **SECTION 2. (1) As used in this section:**

7 (a) "Agri-tourism event" means an agri-tourism or other commercial event as defined in  
8 ORS 215.451 or described in ORS 215.213 (11) to (13) or 215.283 (4) to (6), provided the event  
9 is held on land zoned for exclusive farm use.

10 (b) "Outdoor mass gathering" means an assembly of people that largely takes place in  
11 open spaces.

12 (2) A local government's approval of an outdoor mass gathering is a land use decision if:

13 (a) The gathering reasonably anticipates the attendance of more than 3,000 individuals  
14 within any period of 72 hours or less during the gathering; or

15 (b) The gathering constitutes an agri-tourism event.

16 (3) A local government may approve an outdoor mass gathering described in subsection  
17 (2)(a) of this section only if the gathering:

18 (a) Is compatible with existing land uses;

19 (b) Does not materially alter the stability of the overall land use pattern of the area;

20 (c) Complies with all applicable criteria required of an outdoor mass gathering under ORS  
21 433.735 to 433.770; and

22 (d) Complies with applicable land use regulations and statewide land use planning goals.

23 (4) Notwithstanding any provision of ORS chapter 215 applicable to agri-tourism events,  
24 a county's review of a permit for an outdoor mass gathering that constitutes an agri-tourism  
25 event with a reasonably anticipated attendance of no more than 500 individuals in any period  
26 of 72 hours or less during the gathering may apply only clear and objective standards.

27 (5) Notwithstanding ORS 197.825, the Land Use Board of Appeals has jurisdiction to in-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **interpret and apply the provisions of ORS 433.735 to 433.770 and the applicable regulations of**  
 2 **the Oregon Health Authority in reviewing a decision under ORS 433.763 (3) or this section.**

3 **SECTION 3.** ORS 433.763 is amended to read:

4 433.763. (1) *[Any]* **A county shall approve an outdoor mass** gathering *[of more than 3,000*  
 5 *persons which continues or can reasonably be expected to continue for more than 120 hours within any*  
 6 *three-month period and any part of which is held in open spaces shall be allowed by a county planning*  
 7 *commission]* if all of the following occur:

8 (a) The organizer *[makes application]* **applies** for a permit to the county planning commission.

9 (b) The applicant demonstrates *[to the county planning commission]* that the applicant has com-  
 10 plied or can comply with the requirements for an outdoor mass gathering permit set out in ORS  
 11 433.750 **and 433.755.**

12 *[(c) The county planning commission shall make findings that:]*

13 *[(A)]* **(c) Except as provided in subsection (3) of this section,** any permits required by the  
 14 applicable land use regulations *[have been]* **are granted[; and].**

15 *[(B) The proposed gathering:]*

16 *[(i) Is compatible with existing land uses; and]*

17 *[(ii) Does not materially alter the stability of the overall land use pattern of the area.]*

18 *[(2) The provisions of ORS 433.755 apply to any gatherings reviewed or approved under this sec-*  
 19 *tion.]*

20 *[(3)]* **(2) A hearings officer, county planning commission or other person or body that the**  
 21 **county designates may approve or deny an application for a permit under this section.** A de-  
 22 cision granting or denying a permit under this section may be appealed to the county governing  
 23 body as provided in ORS 215.402 to 215.438.

24 *[(4) If a county has not created a planning commission as provided in ORS 215.030, the county*  
 25 *governing body, or such other person as the governing body designates shall receive the application*  
 26 *and make the findings and decision required by this section.]*

27 **(3) If the approval of a outdoor mass gathering requires a land use decision not previ-**  
 28 **ously granted, including a decision described in section 2 of this 2019 Act, the county may**  
 29 **consolidate that decision with the review of the permit application in subsection (1) of this**  
 30 **section. Any approval of a consolidated permit is a land use decision and may be appealed**  
 31 **only to the Land Use Board of Appeals under ORS 197.830 to 197.855.**

32 **SECTION 4.** ORS 433.735 is amended to read:

33 433.735. As used in ORS 433.735 to 433.770 and 433.990 (7):

34 (1) **“Organizer” includes any person who holds, stages or sponsors an outdoor mass**  
 35 **gathering and the owner, lessee or possessor of the real property upon which the outdoor**  
 36 **mass gathering is to take place.**

37 *[(1)]* **(2) “Outdoor mass gathering[,”]** *[unless otherwise defined by county ordinance,]* means an  
 38 actual or reasonably anticipated assembly of more than **500 individuals** *[3,000 persons which con-*  
 39 *tinues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120*  
 40 *hours within any three-month period and which is held primarily]* **within any period of 72 hours**  
 41 **or less during the gathering, that largely takes place** in open spaces *[and not in any permanent*  
 42 *structure].*

43 *[(2) “Organizer” includes any person who holds, stages or sponsors an outdoor mass gathering and*  
 44 *the owner, lessee or possessor of the real property upon which the outdoor mass gathering is to take*  
 45 *place.]*

1 (3) "Permanent structure" includes a stadium, an arena, an auditorium, a coliseum, a fairgrounds  
2 or other similar established places for assemblies.

3 (4) "Temporary structure" includes tents, trailers, chemical toilet facilities and other structures  
4 customarily erected or sited for temporary use.

5 **SECTION 5.** ORS 433.750 is amended to read:

6 433.750. (1) The *[governing body of a]* county in which an outdoor mass gathering is to take place  
7 shall issue a permit upon application *[when]* **if** the organizer demonstrates compliance with or the  
8 ability to comply with the health and safety rules governing outdoor mass gatherings to be regulated  
9 according to the anticipated crowd and adopted by the Oregon Health Authority. The application  
10 *[shall]* **must** include all of the following:

11 (a) Name and address of the applicant.

12 (b) Legal description of the place of the proposed gathering.

13 (c) Date of the proposed gathering.

14 (d) Estimated attendance at the proposed gathering.

15 (e) Nature of the proposed gathering.

16 (f) Such other appropriate information as the county *[governing body]* may require in order to  
17 *[insure]* **ensure** compliance with rules of the authority.

18 (2) Notice of the application *[shall]* **must** be sent by the county *[governing body]* to the county  
19 sheriff or county chief law enforcement officer, the local health officer and the chief of the fire  
20 district in which the gathering is to be held.

21 (3) Each officer receiving notice of the application under subsection (2) of this section *[who*  
22 *wishes to comment on the application shall submit such]* **may** comment in writing to the county  
23 *[governing body]* not later than the hearing date. The comment may include recommendations related  
24 to the official functions of the officer as to granting the permit and any recommended conditions  
25 that should be imposed.

26 (4) The county *[governing body]* shall hold a public hearing on the issue of compliance with this  
27 section. Notice of the time and place of *[such]* **the** hearing including a general explanation of the  
28 matter to be considered *[shall]* **must** be published at least 10 calendar days before the hearing in  
29 a newspaper of general circulation in the county or, if there is none, it *[shall]* **must** be posted in  
30 at least three public places in the county.

31 (5) *[Any]* **Except as provided in ORS 433.763,** a decision of a county *[governing body]* on an  
32 application for a permit to hold an outdoor mass gathering may be appealed to a circuit court for  
33 the county as provided in ORS 34.020 to 34.100.

34 (6) A county *[governing body]* may charge permit applicants a fee reasonably calculated to re-  
35 imburse the county for its reasonable and necessary costs in receiving, processing and reviewing  
36 applications for permits to hold outdoor mass gatherings. However, a fee authorized by this sub-  
37 section *[shall]* **may** not exceed **the greater of \$5,000 or \$2 per anticipated attendee of the**  
38 **gathering** *[and shall not be charged when the governing body finds, by a preponderance of the evi-*  
39 *dence presented to the governing body, that the applicant is unable to reimburse the governing body].*

40 **SECTION 6.** ORS 433.755 is amended to read:

41 433.755. (1) In reviewing an application for a permit to hold an outdoor mass gathering, the  
42 county *[governing body]* may require *[such]* **the** plans, specifications and reports *[as]* it *[may deem]*  
43 **deems** necessary for proper review, and it may request and shall receive from all public officers,  
44 departments and agencies of the state and its political subdivisions *[such]* **the** cooperation and as-  
45 sistance *[as]* it *[may deem]* **deems** necessary. If the county *[governing body]* determines upon exam-

1 ination of the permit application that the outdoor mass gathering creates a potential for injury to  
 2 persons or property, the county [*governing body*] may require organizers to obtain an insurance  
 3 policy in an amount commensurate with the risk, but not exceeding \$1 million. The policy of casu-  
 4 alty insurance shall provide coverage against liability for death, injury or disability of any human  
 5 or for damage to property arising out of the outdoor mass gathering. The county shall be named as  
 6 an additional insured under the policy.

7 (2) In the event of failure to remove all debris or residue and repair any damage to personal or  
 8 real property arising out of the outdoor mass gathering within 72 hours after its termination and  
 9 to remove any temporary structures used at the outdoor mass gathering within three weeks after  
 10 its termination, the county [*governing body*] may file suit against the organizer for financial settle-  
 11 ment as is needed to remove debris, residue or temporary structures and to repair [*such*] damage to  
 12 real or personal property of persons not attending the outdoor mass gathering. The organizer shall  
 13 be wholly responsible for payment of any fines imposed under ORS 433.990 (7).

14 **SECTION 7.** ORS 433.760 is amended to read:

15 433.760. (1) [*Notwithstanding any other provisions of law,*] The Oregon Health Authority shall,  
 16 *in accordance with the provisions of ORS chapter 183,*] make rules [*regulated*] **with respect to health**  
 17 **and safety** according to anticipated [*crowds*] **crowd size at outdoor mass gatherings,** [*with respect*  
 18 *to health and safety at outdoor mass gatherings which*] **that** provide for:

19 [(1)] (a) Adequate water supply, drainage and sewerage facilities;

20 [(2)] (b) Adequate toilet facilities;

21 [(3)] (c) Adequate refuse storage and disposal facilities;

22 [(4)] (d) Adequate food and sanitary food service, if supplied;

23 [(5)] (e) Adequate emergency medical facilities and communication systems;

24 [(6)] (f) Adequate fire protection; and

25 [(7)] (g) Adequate security personnel and traffic control.

26 (2) **For outdoor mass gatherings that require a land use decision described in section 2**  
 27 **(2) of this 2019 Act, the authority shall develop rules under this section in consultation with**  
 28 **the Land Conservation and Development Commission.**

29 **SECTION 8.** ORS 433.767 is amended to read:

30 433.767. ORS 433.735 to 433.770 and 433.990 (7) apply to outdoor mass gatherings defined by  
 31 county ordinance as well as to those defined by ORS 433.735 [(1)].

32 **SECTION 9.** ORS 197.015 is amended to read:

33 197.015. As used in ORS chapters 195, 196 and 197 and ORS 197A.300 to 197A.325, unless the  
 34 context requires otherwise:

35 (1) “Acknowledgment” means a commission order that certifies that a comprehensive plan and  
 36 land use regulations, land use regulation or plan or regulation amendment complies with the goals  
 37 or certifies that Metro land use planning goals and objectives, Metro regional framework plan,  
 38 amendments to Metro planning goals and objectives or amendments to the Metro regional frame-  
 39 work plan comply with the goals.

40 (2) “Board” means the Land Use Board of Appeals.

41 (3) “Carport” means a stationary structure consisting of a roof with its supports and not more  
 42 than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

43 (4) “Commission” means the Land Conservation and Development Commission.

44 (5) “Comprehensive plan” means a generalized, coordinated land use map and policy statement  
 45 of the governing body of a local government that interrelates all functional and natural systems and

1 activities relating to the use of lands, including but not limited to sewer and water systems, trans-  
 2 portation systems, educational facilities, recreational facilities, and natural resources and air and  
 3 water quality management programs. “Comprehensive” means all-inclusive, both in terms of the  
 4 geographic area covered and functional and natural activities and systems occurring in the area  
 5 covered by the plan. “General nature” means a summary of policies and proposals in broad cate-  
 6 gories and does not necessarily indicate specific locations of any area, activity or use. A plan is “co-  
 7 ordinated” when the needs of all levels of governments, semipublic and private agencies and the  
 8 citizens of Oregon have been considered and accommodated as much as possible. “Land” includes  
 9 water, both surface and subsurface, and the air.

10 (6) “Department” means the Department of Land Conservation and Development.

11 (7) “Director” means the Director of the Department of Land Conservation and Development.

12 (8) “Goals” means the mandatory statewide land use planning standards adopted by the com-  
 13 mission pursuant to ORS chapters 195, 196 and 197.

14 (9) “Guidelines” means suggested approaches designed to aid cities and counties in preparation,  
 15 adoption and implementation of comprehensive plans in compliance with goals and to aid state  
 16 agencies and special districts in the preparation, adoption and implementation of plans, programs  
 17 and regulations in compliance with goals. Guidelines shall be advisory and shall not limit state  
 18 agencies, cities, counties and special districts to a single approach.

19 (10) “Land use decision”:

20 (a) Includes:

21 (A) A final decision or determination made by a local government or special district that con-  
 22 cerns the adoption, amendment or application of:

23 (i) The goals;

24 (ii) A comprehensive plan provision;

25 (iii) A land use regulation; or

26 (iv) A new land use regulation;

27 (B) A final decision or determination of a state agency other than the commission with respect  
 28 to which the agency is required to apply the goals; or

29 (C) A decision of a county [*planning commission*] made under ORS 433.763 **(3) or section 2 of**  
 30 **this 2019 Act;**

31 (b) Does not include a decision of a local government:

32 (A) That is made under land use standards that do not require interpretation or the exercise  
 33 of policy or legal judgment;

34 (B) That approves or denies a building permit issued under clear and objective land use stan-  
 35 dards;

36 (C) That is a limited land use decision;

37 (D) That determines final engineering design, construction, operation, maintenance, repair or  
 38 preservation of a transportation facility that is otherwise authorized by and consistent with the  
 39 comprehensive plan and land use regulations;

40 (E) That is an expedited land division as described in ORS 197.360;

41 (F) That approves, pursuant to ORS 480.450 (7), the siting, installation, maintenance or removal  
 42 of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal  
 43 under ORS 480.410 to 480.460;

44 (G) That approves or denies approval of a final subdivision or partition plat or that determines  
 45 whether a final subdivision or partition plat substantially conforms to the tentative subdivision or

1 partition plan; *[or]*

2 (H) That a proposed state agency action subject to ORS 197.180 (1) is compatible with the ac-  
 3 knowledged comprehensive plan and land use regulations implementing the plan, if:

4 (i) The local government has already made a land use decision authorizing a use or activity that  
 5 encompasses the proposed state agency action;

6 (ii) The use or activity that would be authorized, funded or undertaken by the proposed state  
 7 agency action is allowed without review under the acknowledged comprehensive plan and land use  
 8 regulations implementing the plan; or

9 (iii) The use or activity that would be authorized, funded or undertaken by the proposed state  
 10 agency action requires a future land use review under the acknowledged comprehensive plan and  
 11 land use regulations implementing the plan; **or**

12 **(I) That relates to a permit for an outdoor mass gathering, except as provided by ORS**  
 13 **433.763 (3) or section 2 of this 2019 Act; and**

14 (c) Does not include:

15 (A) A decision by a school district to close a school;

16 *[(d) Does not include, except as provided in ORS 215.213 (13)(c) or 215.283 (6)(c), authorization of*  
 17 *an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 persons*  
 18 *that is not anticipated to continue for more than 120 hours in any three-month period; and]*

19 *[(e) Does not include:]*

20 *[(A)]* (B) A writ of mandamus issued by a circuit court in accordance with ORS 215.429 or  
 21 227.179;

22 *[(B)]* (C) Any local decision or action taken on an application subject to ORS 215.427 or 227.178  
 23 after a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179; or

24 *[(C)]* (D) A state agency action subject to ORS 197.180 (1), if:

25 (i) The local government with land use jurisdiction over a use or activity that would be au-  
 26 thorized, funded or undertaken by the state agency as a result of the state agency action has already  
 27 made a land use decision approving the use or activity; or

28 (ii) A use or activity that would be authorized, funded or undertaken by the state agency as a  
 29 result of the state agency action is allowed without review under the acknowledged comprehensive  
 30 plan and land use regulations implementing the plan.

31 (11) “Land use regulation” means any local government zoning ordinance, land division ordi-  
 32 nance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for  
 33 implementing a comprehensive plan.

34 (12) “Limited land use decision”:

35 (a) Means a final decision or determination made by a local government pertaining to a site  
 36 within an urban growth boundary that concerns:

37 (A) The approval or denial of a tentative subdivision or partition plan, as described in ORS  
 38 92.040 (1).

39 (B) The approval or denial of an application based on discretionary standards designed to reg-  
 40 ulate the physical characteristics of a use permitted outright, including but not limited to site re-  
 41 view and design review.

42 (b) Does not mean a final decision made by a local government pertaining to a site within an  
 43 urban growth boundary that concerns approval or denial of a final subdivision or partition plat or  
 44 that determines whether a final subdivision or partition plat substantially conforms to the tentative  
 45 subdivision or partition plan.

1 (13) “Local government” means any city, county or metropolitan service district formed under  
 2 ORS chapter 268 or an association of local governments performing land use planning functions  
 3 under ORS 195.025.

4 (14) “Metro” means a metropolitan service district organized under ORS chapter 268.

5 (15) “Metro planning goals and objectives” means the land use goals and objectives that a met-  
 6 ropolitan service district may adopt under ORS 268.380 (1)(a). The goals and objectives do not con-  
 7 stitute a comprehensive plan.

8 (16) “Metro regional framework plan” means the regional framework plan required by the 1992  
 9 Metro Charter or its separate components. Neither the regional framework plan nor its individual  
 10 components constitute a comprehensive plan.

11 (17) “New land use regulation” means a land use regulation other than an amendment to an  
 12 acknowledged land use regulation adopted by a local government that already has a comprehensive  
 13 plan and land regulations acknowledged under ORS 197.251.

14 (18) “Person” means any individual, partnership, corporation, association, governmental subdi-  
 15 vision or agency or public or private organization of any kind. The Land Conservation and Devel-  
 16 opment Commission or its designee is considered a person for purposes of appeal under ORS  
 17 chapters 195 and 197.

18 (19) “Special district” means any unit of local government, other than a city, county, metropol-  
 19 itan service district formed under ORS chapter 268 or an association of local governments per-  
 20 forming land use planning functions under ORS 195.025, authorized and regulated by statute and  
 21 includes but is not limited to water control districts, domestic water associations and water coop-  
 22 eratives, irrigation districts, port districts, regional air quality control authorities, fire districts,  
 23 school districts, hospital districts, mass transit districts and sanitary districts.

24 (20) “Urban unincorporated community” means an area designated in a county’s acknowledged  
 25 comprehensive plan as an urban unincorporated community after December 5, 1994.

26 (21) “Voluntary association of local governments” means a regional planning agency in this  
 27 state officially designated by the Governor pursuant to the federal Office of Management and Budget  
 28 Circular A-95 as a regional clearinghouse.

29 (22) “Wetlands” means those areas that are inundated or saturated by surface or ground water  
 30 at a frequency and duration that are sufficient to support, and that under normal circumstances do  
 31 support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

32 **SECTION 10.** ORS 215.213, as amended by section 1, chapter 119, Oregon Laws 2018, is  
 33 amended to read:

34 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
 35 Edition), the following uses may be established in any area zoned for exclusive farm use:

36 (a) Churches and cemeteries in conjunction with churches.

37 (b) The propagation or harvesting of a forest product.

38 (c) Utility facilities necessary for public service, including wetland waste treatment systems but  
 39 not including commercial facilities for the purpose of generating electrical power for public use by  
 40 sale or transmission towers over 200 feet in height. A utility facility necessary for public service  
 41 may be established as provided in:

42 (A) ORS 215.275; or

43 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
 44 469.300.

45 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the

1 farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,  
2 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
3 operator does or will require the assistance of the relative in the management of the farm use and  
4 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
5 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
6 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or  
7 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
8 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
9 shall operate as a partition of the homesite to create a new parcel.

10 (e) Nonresidential buildings customarily provided in conjunction with farm use.

11 (f) Subject to ORS 215.279, primary or accessory dwellings customarily provided in conjunction  
12 with farm use. For a primary dwelling, the dwelling must be on a lot or parcel that is managed as  
13 part of a farm operation and is not smaller than the minimum lot size in a farm zone with a minimum  
14 lot size acknowledged under ORS 197.251.

15 (g) Operations for the exploration for and production of geothermal resources as defined by ORS  
16 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
17 compressors, separators and other customary production equipment for an individual well adjacent  
18 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
19 an exception under ORS 197.732 (2)(a) or (b).

20 (h) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or  
21 construction relating to such operations shall not be a basis for an exception under ORS 197.732  
22 (2)(a) or (b).

23 (i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
24 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
25 hardship suffered by the existing resident or a relative of the resident. Within three months of the  
26 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-  
27 ished or, in the case of an existing building, the building shall be removed, demolished or returned  
28 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-  
29 view of the hardship claimed under this paragraph. A temporary residence approved under this  
30 paragraph is not eligible for replacement under paragraph (q) of this subsection.

31 (j) Climbing and passing lanes within the right of way existing as of July 1, 1987.

32 (k) Reconstruction or modification of public roads and highways, including the placement of  
33 utility facilities overhead and in the subsurface of public roads and highways along the public right  
34 of way, but not including the addition of travel lanes, where no removal or displacement of buildings  
35 would occur, or no new land parcels result.

36 (L) Temporary public road and highway detours that will be abandoned and restored to original  
37 condition or use at such time as no longer needed.

38 (m) Minor betterment of existing public road and highway related facilities, such as maintenance  
39 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous  
40 public-owned property utilized to support the operation and maintenance of public roads and high-  
41 ways.

42 (n) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has  
43 been listed in a county inventory as historic property as defined in ORS 358.480.

44 (o) Creation, restoration or enhancement of wetlands.

45 (p) A winery, as described in ORS 215.452 or 215.453.



1 (q) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, restoration or replacement  
2 of a lawfully established dwelling.

3 (r) Farm stands if:

4 (A) The structures are designed and used for the sale of farm crops or livestock grown on the  
5 farm operation, or grown on the farm operation and other farm operations in the local agricultural  
6 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm  
7 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-  
8 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;  
9 and

10 (B) The farm stand does not include structures designed for occupancy as a residence or for  
11 activity other than the sale of farm crops or livestock and does not include structures for banquets,  
12 public gatherings or public entertainment.

13 (s) An armed forces reserve center, if the center is within one-half mile of a community college.  
14 For purposes of this paragraph, "armed forces reserve center" includes an armory or National  
15 Guard support facility.

16 (t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as  
17 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor  
18 area or placed on a permanent foundation unless the building or facility preexisted the use approved  
19 under this paragraph. The site shall not include an aggregate surface or hard surface area unless  
20 the surface preexisted the use approved under this paragraph. An owner of property used for the  
21 purpose authorized in this paragraph may charge a person operating the use on the property rent  
22 for the property. An operator may charge users of the property a fee that does not exceed the  
23 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model  
24 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is  
25 used or intended to be used for flight and is controlled by radio, lines or design by a person on the  
26 ground.

27 (u) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS  
28 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm  
29 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry  
30 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing  
31 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor  
32 area to the processing facility or establishment, exclusive of the floor area designated for prepara-  
33 tion, storage or other farm use. A processing facility or establishment must comply with all appli-  
34 cable siting standards but the standards may not be applied in a manner that prohibits the siting  
35 of the processing facility or establishment.

36 (v) Fire service facilities providing rural fire protection services.

37 (w) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational  
38 facilities, not including parks or other recreational structures and facilities, associated with a dis-  
39 trict as defined in ORS 540.505.

40 (x) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-  
41 cilities or structures that end at the point where the utility service is received by the customer and  
42 that are located on one or more of the following:

43 (A) A public right of way;

44 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-  
45 jacent property owners has been obtained; or

1 (C) The property to be served by the utility.

2 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-  
 3 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with  
 4 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application  
 5 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of  
 6 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-  
 7 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this  
 8 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application  
 9 of biosolids is limited to treatment using treatment facilities that are portable, temporary and  
 10 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land  
 11 application of biosolids is authorized under the license, permit or other approval.

12 (z) Dog training classes or testing trials, which may be conducted outdoors or in preexisting  
 13 farm buildings, when:

14 (A) The number of dogs participating in training does not exceed 10 dogs per training class and  
 15 the number of training classes to be held on-site does not exceed six per day; and

16 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of  
 17 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

18 (aa) A cider business, as described in ORS 215.451.

19 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
 20 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
 21 215.296:

22 (a) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest  
 23 product on a lot or parcel that is managed as part of a farm operation or woodlot if the farm op-  
 24 eration or woodlot:

25 (A) Consists of 20 or more acres; and

26 (B) Is not smaller than the average farm or woodlot in the county producing at least \$2,500 in  
 27 annual gross income from the crops, livestock or forest products to be raised on the farm operation  
 28 or woodlot.

29 (b) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest  
 30 product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than re-  
 31 quired under paragraph (a) of this subsection, if the lot or parcel:

32 (A) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar  
 33 years out of the three calendar years before the year in which the application for the dwelling was  
 34 made or is planted in perennials capable of producing upon harvest an average of at least \$20,000  
 35 in annual gross farm income; or

36 (B) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross an-  
 37 nual income.

38 (c) Commercial activities that are in conjunction with farm use, including the processing of farm  
 39 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or subsection (1)(u) of this section.

40 (d) Operations conducted for:

41 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas  
 42 as defined by ORS 520.005, not otherwise permitted under subsection (1)(g) of this section;

43 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-  
 44 sources subject to ORS 215.298;

45 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

1 (D) Processing of other mineral resources and other subsurface resources.

2 (e) Community centers owned by a governmental agency or a nonprofit community organization  
 3 and operated primarily by and for residents of the local rural community, hunting and fishing pre-  
 4 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the  
 5 county governing body or its designee, a private campground may provide yurts for overnight  
 6 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include  
 7 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.  
 8 Upon request of a county governing body, the Land Conservation and Development Commission may  
 9 provide by rule for an increase in the number of yurts allowed on all or a portion of the  
 10 campgrounds in a county if the commission determines that the increase will comply with the stan-  
 11 dards described in ORS 215.296 (1). A public park or campground may be established as provided  
 12 under ORS 195.120. As used in this paragraph, "yurt" means a round, domed shelter of cloth or  
 13 canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appli-  
 14 ance.

15 (f) Golf courses on land determined not to be high-value farmland as defined in ORS 195.300.

16 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the  
 17 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-  
 18 cility may be established as a commercial utility facility as provided in ORS 215.447.

19 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-  
 20 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-  
 21 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional  
 22 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-  
 23 erations. No aircraft may be based on a personal-use airport other than those owned or controlled  
 24 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be  
 25 granted through waiver action by the Oregon Department of Aviation in specific instances. A  
 26 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-  
 27 ject to any applicable rules of the Oregon Department of Aviation.

28 (i) A facility for the primary processing of forest products, provided that such facility is found  
 29 to not seriously interfere with accepted farming practices and is compatible with farm uses de-  
 30 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is  
 31 renewable. These facilities are intended to be only portable or temporary in nature. The primary  
 32 processing of a forest product, as used in this section, means the use of a portable chipper or stud  
 33 mill or other similar methods of initial treatment of a forest product in order to enable its shipment  
 34 to market. Forest products, as used in this section, means timber grown upon a parcel of land or  
 35 contiguous land where the primary processing facility is located.

36 (j) A site for the disposal of solid waste approved by the governing body of a city or county or  
 37 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-  
 38 mental Quality together with equipment, facilities or buildings necessary for its operation.

39 (k)(A) Commercial dog boarding kennels; or

40 (B) Dog training classes or testing trials that cannot be established under subsection (1)(z) of  
 41 this section.

42 (L) Residential homes as defined in ORS 197.660, in existing dwellings.

43 (m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not  
 44 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species  
 45 shall not include any species under quarantine by the State Department of Agriculture or the United

1 States Department of Agriculture. The county shall provide notice of all applications under this  
 2 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the  
 3 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-  
 4 tive decision or initial public hearing on the application.

5 (n) Home occupations as provided in ORS 215.448.

6 (o) Transmission towers over 200 feet in height.

7 (p) Construction of additional passing and travel lanes requiring the acquisition of right of way  
 8 but not resulting in the creation of new land parcels.

9 (q) Reconstruction or modification of public roads and highways involving the removal or dis-  
 10 placement of buildings but not resulting in the creation of new land parcels.

11 (r) Improvement of public road and highway related facilities such as maintenance yards, weigh  
 12 stations and rest areas, where additional property or right of way is required but not resulting in  
 13 the creation of new land parcels.

14 (s) A destination resort that is approved consistent with the requirements of any statewide  
 15 planning goal relating to the siting of a destination resort.

16 (t) Room and board arrangements for a maximum of five unrelated persons in existing resi-  
 17 dences.

18 (u) A living history museum related to resource based activities owned and operated by a gov-  
 19 ernmental agency or a local historical society, together with limited commercial activities and fa-  
 20 cilities that are directly related to the use and enjoyment of the museum and located within  
 21 authentic buildings of the depicted historic period or the museum administration building, if areas  
 22 other than an exclusive farm use zone cannot accommodate the museum and related activities or if  
 23 the museum administration buildings and parking lot are located within one quarter mile of the  
 24 metropolitan urban growth boundary. As used in this paragraph:

25 (A) "Living history museum" means a facility designed to depict and interpret everyday life and  
 26 culture of some specific historic period using authentic buildings, tools, equipment and people to  
 27 simulate past activities and events; and

28 (B) "Local historical society" means the local historical society, recognized as such by the  
 29 county governing body and organized under ORS chapter 65.

30 (v) Operations for the extraction and bottling of water.

31 (w) An aerial fireworks display business that has been in continuous operation at its current  
 32 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's  
 33 permit to sell or provide fireworks.

34 (x) A landscape contracting business, as defined in ORS 671.520, or a business providing land-  
 35 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction  
 36 with the growing and marketing of nursery stock on the land that constitutes farm use.

37 (y) Public or private schools for kindergarten through grade 12, including all buildings essential  
 38 to the operation of a school, primarily for residents of the rural area in which the school is located.

39 (z) Equine and equine-affiliated therapeutic and counseling activities, provided:

40 (A) The activities are conducted in existing buildings that were lawfully constructed on the  
 41 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate  
 42 to the farm use on the tract; and

43 (B) All individuals conducting therapeutic or counseling activities are acting within the proper  
 44 scope of any licenses required by the state.

45 (3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),

1 a single-family residential dwelling not provided in conjunction with farm use may be established  
2 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by  
3 the Agricultural Capability Classification System in use by the United States Department of Agri-  
4 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval  
5 of the governing body or its designee in any area zoned for exclusive farm use upon written findings  
6 showing all of the following:

7 (a) The dwelling or activities associated with the dwelling will not force a significant change in  
8 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.

9 (b) The dwelling is situated upon generally unsuitable land for the production of farm crops and  
10 livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location  
11 and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size  
12 or location if it can reasonably be put to farm use in conjunction with other land.

13 (c) Complies with such other conditions as the governing body or its designee considers neces-  
14 sary.

15 (4) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
16 one single-family dwelling, not provided in conjunction with farm use, may be established in any  
17 area zoned for exclusive farm use on a lot or parcel described in subsection (7) of this section that  
18 is not larger than three acres upon written findings showing:

19 (a) The dwelling or activities associated with the dwelling will not force a significant change in  
20 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use;

21 (b) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a  
22 geological hazard area, the dwelling complies with conditions imposed by local ordinances relating  
23 specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is  
24 applicable; and

25 (c) The dwelling complies with other conditions considered necessary by the governing body or  
26 its designee.

27 (5) Upon receipt of an application for a permit under subsection (4) of this section, the governing  
28 body shall notify:

29 (a) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be es-  
30 tablished; and

31 (b) Persons who have requested notice of such applications and who have paid a reasonable fee  
32 imposed by the county to cover the cost of such notice.

33 (6) The notice required in subsection (5) of this section shall specify that persons have 15 days  
34 following the date of postmark of the notice to file a written objection on the grounds only that the  
35 dwelling or activities associated with it would force a significant change in or significantly increase  
36 the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is re-  
37 ceived, the governing body or its designee shall approve or disapprove the application. If an ob-  
38 jection is received, the governing body shall set the matter for hearing in the manner prescribed in  
39 ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required  
40 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of  
41 this section.

42 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,  
43 1948, and July 1, 1983. For the purposes of this section:

44 (a) Only one lot or parcel exists if:

45 (A) A lot or parcel described in this section is contiguous to one or more lots or parcels de-

1 scribed in this section; and

2 (B) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels  
3 or lots and parcels by the same person, spouses or a single partnership or business entity, separately  
4 or in tenancy in common.

5 (b) "Contiguous" means lots, parcels or lots and parcels that have a common boundary, including  
6 but not limited to, lots, parcels or lots and parcels separated only by a public road.

7 (8) A person who sells or otherwise transfers real property in an exclusive farm use zone may  
8 retain a life estate in a dwelling on that property and in a tract of land under and around the  
9 dwelling.

10 (9) No final approval of a nonfarm use under this section shall be given unless any additional  
11 taxes imposed upon the change in use have been paid.

12 (10) Roads, highways and other transportation facilities and improvements not allowed under  
13 subsections (1) and (2) of this section may be established, subject to the approval of the governing  
14 body or its designee, in areas zoned for exclusive farm use subject to:

15 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable  
16 goal with which the facility or improvement does not comply; or

17 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development  
18 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

19 (11) The following agri-tourism and other commercial events or activities that are related to and  
20 supportive of agriculture may be established in any area zoned for exclusive farm use:

21 (a) A county may authorize a single agri-tourism or other commercial event or activity on a  
22 tract in a calendar year by an authorization that is personal to the applicant and is not transferred  
23 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event  
24 or activity meets any local standards that apply and:

25 (A) The agri-tourism or other commercial event or activity is incidental and subordinate to ex-  
26 isting farm use on the tract;

27 (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72  
28 consecutive hours;

29 (C) The maximum attendance at the agri-tourism or other commercial event or activity does not  
30 exceed 500 people;

31 (D) The maximum number of motor vehicles parked at the site of the agri-tourism or other  
32 commercial event or activity does not exceed 250 vehicles;

33 (E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

34 (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary  
35 structures, or in existing permitted structures, subject to health and fire and life safety require-  
36 ments; and

37 (G) The agri-tourism or other commercial event or activity complies with conditions established  
38 for:

39 (i) Planned hours of operation;

40 (ii) Access, egress and parking;

41 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-  
42 ipated use of public roads; and

43 (iv) Sanitation and solid waste.

44 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
45 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-

1 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-  
 2 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision  
 3 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.  
 4 To approve an expedited, single-event license, the governing body of a county or its designee must  
 5 determine that the proposed agri-tourism or other commercial event or activity meets any local  
 6 standards that apply, and the agri-tourism or other commercial event or activity:

7 (A) Must be incidental and subordinate to existing farm use on the tract;

8 (B) May not begin before 6 a.m. or end after 10 p.m.;

9 (C) May not involve more than 100 attendees or 50 vehicles;

10 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

11 (E) May not require or involve the construction or use of a new permanent structure in con-  
 12 nection with the agri-tourism or other commercial event or activity;

13 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining  
 14 properties consent, in writing, to the location; and

15 (G) Must comply with applicable health and fire and life safety requirements.

16 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to  
 17 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited  
 18 use permit that is personal to the applicant and is not transferred by, or transferable with, a  
 19 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any  
 20 local standards that apply, and the agri-tourism or other commercial events or activities:

21 (A) Must be incidental and subordinate to existing farm use on the tract;

22 (B) May not, individually, exceed a duration of 72 consecutive hours;

23 (C) May not require that a new permanent structure be built, used or occupied in connection  
 24 with the agri-tourism or other commercial events or activities;

25 (D) Must comply with ORS 215.296;

26 (E) May not, in combination with other agri-tourism or other commercial events or activities  
 27 authorized in the area, materially alter the stability of the land use pattern in the area; and

28 (F) Must comply with conditions established for:

29 (i) The types of agri-tourism or other commercial events or activities that are authorized during  
 30 each calendar year, including the number and duration of the agri-tourism or other commercial  
 31 events and activities, the anticipated daily attendance and the hours of operation;

32 (ii) The location of existing structures and the location of proposed temporary structures to be  
 33 used in connection with the agri-tourism or other commercial events or activities;

34 (iii) The location of access and egress and parking facilities to be used in connection with the  
 35 agri-tourism or other commercial events or activities;

36 (iv) Traffic management, including the projected number of vehicles and any anticipated use of  
 37 public roads; and

38 (v) Sanitation and solid waste.

39 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism  
 40 or other commercial events or activities that occur more frequently or for a longer period or that  
 41 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other  
 42 commercial events or activities comply with any local standards that apply and the agri-tourism or  
 43 other commercial events or activities:

44 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-  
 45 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;

1 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;

2 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;  
3 and

4 (D) Do not exceed 18 events or activities in a calendar year.

5 (12) A holder of a permit authorized by a county under subsection (11)(d) of this section must  
6 request review of the permit at four-year intervals. Upon receipt of a request for review, the county  
7 shall:

8 (a) Provide public notice and an opportunity for public comment as part of the review process;  
9 and

10 (b) Limit its review to events and activities authorized by the permit, conformance with condi-  
11 tions of approval required by the permit and the standards established by subsection (11)(d) of this  
12 section.

13 (13) For the purposes of subsection (11) of this section:

14 (a) A county may authorize the use of temporary structures established in connection with the  
15 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-  
16 tion. However, the temporary structures must be removed at the end of the agri-tourism or other  
17 event or activity. The county may not approve an alteration to the land in connection with an  
18 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,  
19 including, but not limited to, grading, filling or paving.

20 (b) The county may issue the limited use permits authorized by subsection (11)(c) of this section  
21 for two calendar years. When considering an application for renewal, the county shall ensure com-  
22 pliance with the provisions of subsection (11)(c) of this section, any local standards that apply and  
23 conditions that apply to the permit or to the agri-tourism or other commercial events or activities  
24 authorized by the permit.

25 *[(c) The authorizations provided by subsection (11) of this section are in addition to other author-*  
26 *izations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as*  
27 *those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events*  
28 *and activities.]*

29 **SECTION 11.** ORS 215.213, as amended by section 7, chapter 462, Oregon Laws 2013, section  
30 2, chapter 148, Oregon Laws 2017, section 4, chapter 253, Oregon Laws 2017, section 4, chapter 504,  
31 Oregon Laws 2017, and section 2, chapter 119, Oregon Laws 2018, is amended to read:

32 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
33 Edition), the following uses may be established in any area zoned for exclusive farm use:

34 (a) Churches and cemeteries in conjunction with churches.

35 (b) The propagation or harvesting of a forest product.

36 (c) Utility facilities necessary for public service, including wetland waste treatment systems but  
37 not including commercial facilities for the purpose of generating electrical power for public use by  
38 sale or transmission towers over 200 feet in height. A utility facility necessary for public service  
39 may be established as provided in:

40 (A) ORS 215.275; or

41 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
42 469.300.

43 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the  
44 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,  
45 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm



1 operator does or will require the assistance of the relative in the management of the farm use and  
2 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
3 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
4 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or  
5 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
6 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
7 shall operate as a partition of the homesite to create a new parcel.

8 (e) Nonresidential buildings customarily provided in conjunction with farm use.

9 (f) Subject to ORS 215.279, primary or accessory dwellings customarily provided in conjunction  
10 with farm use. For a primary dwelling, the dwelling must be on a lot or parcel that is managed as  
11 part of a farm operation and is not smaller than the minimum lot size in a farm zone with a minimum  
12 lot size acknowledged under ORS 197.251.

13 (g) Operations for the exploration for and production of geothermal resources as defined by ORS  
14 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
15 compressors, separators and other customary production equipment for an individual well adjacent  
16 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
17 an exception under ORS 197.732 (2)(a) or (b).

18 (h) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or  
19 construction relating to such operations shall not be a basis for an exception under ORS 197.732  
20 (2)(a) or (b).

21 (i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
22 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
23 hardship suffered by the existing resident or a relative of the resident. Within three months of the  
24 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-  
25 ished or, in the case of an existing building, the building shall be removed, demolished or returned  
26 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-  
27 view of the hardship claimed under this paragraph. A temporary residence approved under this  
28 paragraph is not eligible for replacement under paragraph (q) of this subsection.

29 (j) Climbing and passing lanes within the right of way existing as of July 1, 1987.

30 (k) Reconstruction or modification of public roads and highways, including the placement of  
31 utility facilities overhead and in the subsurface of public roads and highways along the public right  
32 of way, but not including the addition of travel lanes, where no removal or displacement of buildings  
33 would occur, or no new land parcels result.

34 (L) Temporary public road and highway detours that will be abandoned and restored to original  
35 condition or use at such time as no longer needed.

36 (m) Minor betterment of existing public road and highway related facilities, such as maintenance  
37 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous  
38 public-owned property utilized to support the operation and maintenance of public roads and high-  
39 ways.

40 (n) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has  
41 been listed in a county inventory as historic property as defined in ORS 358.480.

42 (o) Creation, restoration or enhancement of wetlands.

43 (p) A winery, as described in ORS 215.452 or 215.453.

44 (q) Alteration, restoration or replacement of a lawfully established dwelling that:

45 (A) Has intact exterior walls and roof structure;

1 (B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to  
 2 a sanitary waste disposal system;

3 (C) Has interior wiring for interior lights;

4 (D) Has a heating system; and

5 (E) In the case of replacement:

6 (i) Is removed, demolished or converted to an allowable nonresidential use within three months  
 7 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of  
 8 the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable  
 9 siting standards. However, the standards shall not be applied in a manner that prohibits the siting  
 10 of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned  
 11 for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the  
 12 deed records for the county where the property is located a deed restriction prohibiting the siting  
 13 of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless  
 14 a statement of release is placed in the deed records for the county. The release shall be signed by  
 15 the county or its designee and state that the provisions of this paragraph regarding replacement  
 16 dwellings have changed to allow the siting of another dwelling. The county planning director or the  
 17 director's designee shall maintain a record of the lots and parcels that do not qualify for the siting  
 18 of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions  
 19 and release statements filed under this paragraph; and

20 (ii) For which the applicant has requested a deferred replacement permit, is removed or demol-  
 21 ished within three months after the deferred replacement permit is issued. A deferred replacement  
 22 permit allows construction of the replacement dwelling at any time. If, however, the established  
 23 dwelling is not removed or demolished within three months after the deferred replacement permit  
 24 is issued, the permit becomes void. The replacement dwelling must comply with applicable building  
 25 codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to  
 26 siting at the time of construction. A deferred replacement permit may not be transferred, by sale  
 27 or otherwise, except by the applicant to the spouse or a child of the applicant.

28 (r) Farm stands if:

29 (A) The structures are designed and used for the sale of farm crops or livestock grown on the  
 30 farm operation, or grown on the farm operation and other farm operations in the local agricultural  
 31 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm  
 32 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-  
 33 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;  
 34 and

35 (B) The farm stand does not include structures designed for occupancy as a residence or for  
 36 activity other than the sale of farm crops or livestock and does not include structures for banquets,  
 37 public gatherings or public entertainment.

38 (s) An armed forces reserve center, if the center is within one-half mile of a community college.  
 39 For purposes of this paragraph, "armed forces reserve center" includes an armory or National  
 40 Guard support facility.

41 (t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as  
 42 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor  
 43 area or placed on a permanent foundation unless the building or facility preexisted the use approved  
 44 under this paragraph. The site shall not include an aggregate surface or hard surface area unless  
 45 the surface preexisted the use approved under this paragraph. An owner of property used for the

1 purpose authorized in this paragraph may charge a person operating the use on the property rent  
 2 for the property. An operator may charge users of the property a fee that does not exceed the  
 3 operator’s cost to maintain the property, buildings and facilities. As used in this paragraph, “model  
 4 aircraft” means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is  
 5 used or intended to be used for flight and is controlled by radio, lines or design by a person on the  
 6 ground.

7 (u) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS  
 8 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm  
 9 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry  
 10 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing  
 11 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor  
 12 area to the processing facility or establishment, exclusive of the floor area designated for prepara-  
 13 tion, storage or other farm use. A processing facility or establishment must comply with all appli-  
 14 cable siting standards but the standards may not be applied in a manner that prohibits the siting  
 15 of the processing facility or establishment.

16 (v) Fire service facilities providing rural fire protection services.

17 (w) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational  
 18 facilities, not including parks or other recreational structures and facilities, associated with a dis-  
 19 trict as defined in ORS 540.505.

20 (x) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-  
 21 cilities or structures that end at the point where the utility service is received by the customer and  
 22 that are located on one or more of the following:

23 (A) A public right of way;

24 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-  
 25 jacent property owners has been obtained; or

26 (C) The property to be served by the utility.

27 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-  
 28 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with  
 29 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application  
 30 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of  
 31 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-  
 32 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this  
 33 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application  
 34 of biosolids is limited to treatment using treatment facilities that are portable, temporary and  
 35 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land  
 36 application of biosolids is authorized under the license, permit or other approval.

37 (z) Dog training classes or testing trials, which may be conducted outdoors or in preexisting  
 38 farm buildings, when:

39 (A) The number of dogs participating in training does not exceed 10 dogs per training class and  
 40 the number of training classes to be held on-site does not exceed six per day; and

41 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of  
 42 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

43 (aa) A cider business, as described in ORS 215.451.

44 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
 45 the following uses may be established in any area zoned for exclusive farm use subject to ORS

1 215.296:

2 (a) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest  
3 product on a lot or parcel that is managed as part of a farm operation or woodlot if the farm op-  
4 eration or woodlot:

5 (A) Consists of 20 or more acres; and

6 (B) Is not smaller than the average farm or woodlot in the county producing at least \$2,500 in  
7 annual gross income from the crops, livestock or forest products to be raised on the farm operation  
8 or woodlot.

9 (b) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest  
10 product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than re-  
11 quired under paragraph (a) of this subsection, if the lot or parcel:

12 (A) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar  
13 years out of the three calendar years before the year in which the application for the dwelling was  
14 made or is planted in perennials capable of producing upon harvest an average of at least \$20,000  
15 in annual gross farm income; or

16 (B) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross an-  
17 nual income.

18 (c) Commercial activities that are in conjunction with farm use, including the processing of farm  
19 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or subsection (1)(u) of this section.

20 (d) Operations conducted for:

21 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas  
22 as defined by ORS 520.005, not otherwise permitted under subsection (1)(g) of this section;

23 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-  
24 sources subject to ORS 215.298;

25 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

26 (D) Processing of other mineral resources and other subsurface resources.

27 (e) Community centers owned by a governmental agency or a nonprofit community organization  
28 and operated primarily by and for residents of the local rural community, hunting and fishing pre-  
29 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the  
30 county governing body or its designee, a private campground may provide yurts for overnight  
31 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include  
32 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.  
33 Upon request of a county governing body, the Land Conservation and Development Commission may  
34 provide by rule for an increase in the number of yurts allowed on all or a portion of the  
35 campgrounds in a county if the commission determines that the increase will comply with the stan-  
36 dards described in ORS 215.296 (1). A public park or campground may be established as provided  
37 under ORS 195.120. As used in this paragraph, "yurt" means a round, domed shelter of cloth or  
38 canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appli-  
39 ance.

40 (f) Golf courses on land determined not to be high-value farmland as defined in ORS 195.300.

41 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the  
42 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-  
43 cility may be established as a commercial utility facility as provided in ORS 215.447.

44 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-  
45 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-

1 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional  
 2 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-  
 3 erations. No aircraft may be based on a personal-use airport other than those owned or controlled  
 4 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be  
 5 granted through waiver action by the Oregon Department of Aviation in specific instances. A  
 6 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-  
 7 ject to any applicable rules of the Oregon Department of Aviation.

8 (i) A facility for the primary processing of forest products, provided that such facility is found  
 9 to not seriously interfere with accepted farming practices and is compatible with farm uses de-  
 10 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is  
 11 renewable. These facilities are intended to be only portable or temporary in nature. The primary  
 12 processing of a forest product, as used in this section, means the use of a portable chipper or stud  
 13 mill or other similar methods of initial treatment of a forest product in order to enable its shipment  
 14 to market. Forest products, as used in this section, means timber grown upon a parcel of land or  
 15 contiguous land where the primary processing facility is located.

16 (j) A site for the disposal of solid waste approved by the governing body of a city or county or  
 17 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-  
 18 mental Quality together with equipment, facilities or buildings necessary for its operation.

19 (k)(A) Commercial dog boarding kennels; or

20 (B) Dog training classes or testing trials that cannot be established under subsection (1)(z) of  
 21 this section.

22 (L) Residential homes as defined in ORS 197.660, in existing dwellings.

23 (m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not  
 24 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species  
 25 shall not include any species under quarantine by the State Department of Agriculture or the United  
 26 States Department of Agriculture. The county shall provide notice of all applications under this  
 27 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the  
 28 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-  
 29 tive decision or initial public hearing on the application.

30 (n) Home occupations as provided in ORS 215.448.

31 (o) Transmission towers over 200 feet in height.

32 (p) Construction of additional passing and travel lanes requiring the acquisition of right of way  
 33 but not resulting in the creation of new land parcels.

34 (q) Reconstruction or modification of public roads and highways involving the removal or dis-  
 35 placement of buildings but not resulting in the creation of new land parcels.

36 (r) Improvement of public road and highway related facilities such as maintenance yards, weigh  
 37 stations and rest areas, where additional property or right of way is required but not resulting in  
 38 the creation of new land parcels.

39 (s) A destination resort that is approved consistent with the requirements of any statewide  
 40 planning goal relating to the siting of a destination resort.

41 (t) Room and board arrangements for a maximum of five unrelated persons in existing resi-  
 42 dences.

43 (u) A living history museum related to resource based activities owned and operated by a gov-  
 44 ernmental agency or a local historical society, together with limited commercial activities and fa-  
 45 cilities that are directly related to the use and enjoyment of the museum and located within

1 authentic buildings of the depicted historic period or the museum administration building, if areas  
2 other than an exclusive farm use zone cannot accommodate the museum and related activities or if  
3 the museum administration buildings and parking lot are located within one quarter mile of the  
4 metropolitan urban growth boundary. As used in this paragraph:

5 (A) "Living history museum" means a facility designed to depict and interpret everyday life and  
6 culture of some specific historic period using authentic buildings, tools, equipment and people to  
7 simulate past activities and events; and

8 (B) "Local historical society" means the local historical society, recognized as such by the  
9 county governing body and organized under ORS chapter 65.

10 (v) Operations for the extraction and bottling of water.

11 (w) An aerial fireworks display business that has been in continuous operation at its current  
12 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's  
13 permit to sell or provide fireworks.

14 (x) A landscape contracting business, as defined in ORS 671.520, or a business providing land-  
15 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction  
16 with the growing and marketing of nursery stock on the land that constitutes farm use.

17 (y) Public or private schools for kindergarten through grade 12, including all buildings essential  
18 to the operation of a school, primarily for residents of the rural area in which the school is located.

19 (z) Equine and equine-affiliated therapeutic and counseling activities, provided:

20 (A) The activities are conducted in existing buildings that were lawfully constructed on the  
21 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate  
22 to the farm use on the tract; and

23 (B) All individuals conducting therapeutic or counseling activities are acting within the proper  
24 scope of any licenses required by the state.

25 (3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
26 a single-family residential dwelling not provided in conjunction with farm use may be established  
27 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by  
28 the Agricultural Capability Classification System in use by the United States Department of Agri-  
29 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval  
30 of the governing body or its designee in any area zoned for exclusive farm use upon written findings  
31 showing all of the following:

32 (a) The dwelling or activities associated with the dwelling will not force a significant change in  
33 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.

34 (b) The dwelling is situated upon generally unsuitable land for the production of farm crops and  
35 livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location  
36 and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size  
37 or location if it can reasonably be put to farm use in conjunction with other land.

38 (c) Complies with such other conditions as the governing body or its designee considers neces-  
39 sary.

40 (4) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
41 one single-family dwelling, not provided in conjunction with farm use, may be established in any  
42 area zoned for exclusive farm use on a lot or parcel described in subsection (7) of this section that  
43 is not larger than three acres upon written findings showing:

44 (a) The dwelling or activities associated with the dwelling will not force a significant change in  
45 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use;

1 (b) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a  
 2 geological hazard area, the dwelling complies with conditions imposed by local ordinances relating  
 3 specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is  
 4 applicable; and

5 (c) The dwelling complies with other conditions considered necessary by the governing body or  
 6 its designee.

7 (5) Upon receipt of an application for a permit under subsection (4) of this section, the governing  
 8 body shall notify:

9 (a) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be es-  
 10 tablished; and

11 (b) Persons who have requested notice of such applications and who have paid a reasonable fee  
 12 imposed by the county to cover the cost of such notice.

13 (6) The notice required in subsection (5) of this section shall specify that persons have 15 days  
 14 following the date of postmark of the notice to file a written objection on the grounds only that the  
 15 dwelling or activities associated with it would force a significant change in or significantly increase  
 16 the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is re-  
 17 ceived, the governing body or its designee shall approve or disapprove the application. If an ob-  
 18 jection is received, the governing body shall set the matter for hearing in the manner prescribed in  
 19 ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required  
 20 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of  
 21 this section.

22 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,  
 23 1948, and July 1, 1983. For the purposes of this section:

24 (a) Only one lot or parcel exists if:

25 (A) A lot or parcel described in this section is contiguous to one or more lots or parcels de-  
 26 scribed in this section; and

27 (B) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels  
 28 or lots and parcels by the same person, spouses or a single partnership or business entity, separately  
 29 or in tenancy in common.

30 (b) "Contiguous" means lots, parcels or lots and parcels that have a common boundary, including  
 31 but not limited to, lots, parcels or lots and parcels separated only by a public road.

32 (8) A person who sells or otherwise transfers real property in an exclusive farm use zone may  
 33 retain a life estate in a dwelling on that property and in a tract of land under and around the  
 34 dwelling.

35 (9) No final approval of a nonfarm use under this section shall be given unless any additional  
 36 taxes imposed upon the change in use have been paid.

37 (10) Roads, highways and other transportation facilities and improvements not allowed under  
 38 subsections (1) and (2) of this section may be established, subject to the approval of the governing  
 39 body or its designee, in areas zoned for exclusive farm use subject to:

40 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable  
 41 goal with which the facility or improvement does not comply; or

42 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development  
 43 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

44 (11) The following agri-tourism and other commercial events or activities that are related to and  
 45 supportive of agriculture may be established in any area zoned for exclusive farm use:

1 (a) A county may authorize a single agri-tourism or other commercial event or activity on a  
 2 tract in a calendar year by an authorization that is personal to the applicant and is not transferred  
 3 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event  
 4 or activity meets any local standards that apply and:

5 (A) The agri-tourism or other commercial event or activity is incidental and subordinate to ex-  
 6 isting farm use on the tract;

7 (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72  
 8 consecutive hours;

9 (C) The maximum attendance at the agri-tourism or other commercial event or activity does not  
 10 exceed 500 people;

11 (D) The maximum number of motor vehicles parked at the site of the agri-tourism or other  
 12 commercial event or activity does not exceed 250 vehicles;

13 (E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

14 (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary  
 15 structures, or in existing permitted structures, subject to health and fire and life safety require-  
 16 ments; and

17 (G) The agri-tourism or other commercial event or activity complies with conditions established  
 18 for:

19 (i) Planned hours of operation;

20 (ii) Access, egress and parking;

21 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-  
 22 ipated use of public roads; and

23 (iv) Sanitation and solid waste.

24 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
 25 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-  
 26 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-  
 27 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision  
 28 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.  
 29 To approve an expedited, single-event license, the governing body of a county or its designee must  
 30 determine that the proposed agri-tourism or other commercial event or activity meets any local  
 31 standards that apply, and the agri-tourism or other commercial event or activity:

32 (A) Must be incidental and subordinate to existing farm use on the tract;

33 (B) May not begin before 6 a.m. or end after 10 p.m.;

34 (C) May not involve more than 100 attendees or 50 vehicles;

35 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

36 (E) May not require or involve the construction or use of a new permanent structure in con-  
 37 nection with the agri-tourism or other commercial event or activity;

38 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining  
 39 properties consent, in writing, to the location; and

40 (G) Must comply with applicable health and fire and life safety requirements.

41 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to  
 42 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited  
 43 use permit that is personal to the applicant and is not transferred by, or transferable with, a  
 44 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any  
 45 local standards that apply, and the agri-tourism or other commercial events or activities:



- 1 (A) Must be incidental and subordinate to existing farm use on the tract;
- 2 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 3 (C) May not require that a new permanent structure be built, used or occupied in connection
- 4 with the agri-tourism or other commercial events or activities;
- 5 (D) Must comply with ORS 215.296;
- 6 (E) May not, in combination with other agri-tourism or other commercial events or activities
- 7 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 8 (F) Must comply with conditions established for:
  - 9 (i) The types of agri-tourism or other commercial events or activities that are authorized during
  - 10 each calendar year, including the number and duration of the agri-tourism or other commercial
  - 11 events and activities, the anticipated daily attendance and the hours of operation;
  - 12 (ii) The location of existing structures and the location of proposed temporary structures to be
  - 13 used in connection with the agri-tourism or other commercial events or activities;
  - 14 (iii) The location of access and egress and parking facilities to be used in connection with the
  - 15 agri-tourism or other commercial events or activities;
  - 16 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
  - 17 public roads; and
  - 18 (v) Sanitation and solid waste.
- 19 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
- 20 or other commercial events or activities that occur more frequently or for a longer period or that
- 21 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
- 22 commercial events or activities comply with any local standards that apply and the agri-tourism or
- 23 other commercial events or activities:
  - 24 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
  - 25 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
  - 26 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
  - 27 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
  - 28 and
  - 29 (D) Do not exceed 18 events or activities in a calendar year.
- 30 (12) A holder of a permit authorized by a county under subsection (11)(d) of this section must
- 31 request review of the permit at four-year intervals. Upon receipt of a request for review, the county
- 32 shall:
  - 33 (a) Provide public notice and an opportunity for public comment as part of the review process;
  - 34 and
  - 35 (b) Limit its review to events and activities authorized by the permit, conformance with condi-
  - 36 tions of approval required by the permit and the standards established by subsection (11)(d) of this
  - 37 section.
- 38 (13) For the purposes of subsection (11) of this section:
  - 39 (a) A county may authorize the use of temporary structures established in connection with the
  - 40 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-
  - 41 tion. However, the temporary structures must be removed at the end of the agri-tourism or other
  - 42 event or activity. The county may not approve an alteration to the land in connection with an
  - 43 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,
  - 44 including, but not limited to, grading, filling or paving.
  - 45 (b) The county may issue the limited use permits authorized by subsection (11)(c) of this section

1 for two calendar years. When considering an application for renewal, the county shall ensure com-  
2 pliance with the provisions of subsection (11)(c) of this section, any local standards that apply and  
3 conditions that apply to the permit or to the agri-tourism or other commercial events or activities  
4 authorized by the permit.

5 *[(c) The authorizations provided by subsection (11) of this section are in addition to other author-*  
6 *izations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as*  
7 *those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events*  
8 *and activities.]*

9 **SECTION 12.** ORS 215.283, as amended by section 3, chapter 119, Oregon Laws 2018, is  
10 amended to read:

11 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

12 (a) Churches and cemeteries in conjunction with churches.

13 (b) The propagation or harvesting of a forest product.

14 (c) Utility facilities necessary for public service, including wetland waste treatment systems but  
15 not including commercial facilities for the purpose of generating electrical power for public use by  
16 sale or transmission towers over 200 feet in height. A utility facility necessary for public service  
17 may be established as provided in:

18 (A) ORS 215.275; or

19 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
20 469.300.

21 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the  
22 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,  
23 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
24 operator does or will require the assistance of the relative in the management of the farm use and  
25 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
26 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
27 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or  
28 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
29 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
30 shall operate as a partition of the homesite to create a new parcel.

31 (e) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily  
32 provided in conjunction with farm use.

33 (f) Operations for the exploration for and production of geothermal resources as defined by ORS  
34 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
35 compressors, separators and other customary production equipment for an individual well adjacent  
36 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
37 an exception under ORS 197.732 (2)(a) or (b).

38 (g) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or  
39 construction relating to such operations shall not be a basis for an exception under ORS 197.732  
40 (2)(a) or (b).

41 (h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

42 (i) Reconstruction or modification of public roads and highways, including the placement of  
43 utility facilities overhead and in the subsurface of public roads and highways along the public right  
44 of way, but not including the addition of travel lanes, where no removal or displacement of buildings  
45 would occur, or no new land parcels result.

1 (j) Temporary public road and highway detours that will be abandoned and restored to original  
2 condition or use at such time as no longer needed.

3 (k) Minor betterment of existing public road and highway related facilities such as maintenance  
4 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous  
5 public-owned property utilized to support the operation and maintenance of public roads and high-  
6 ways.

7 (L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has  
8 been listed in a county inventory as historic property as defined in ORS 358.480.

9 (m) Creation, restoration or enhancement of wetlands.

10 (n) A winery, as described in ORS 215.452 or 215.453.

11 (o) Farm stands if:

12 (A) The structures are designed and used for the sale of farm crops or livestock grown on the  
13 farm operation, or grown on the farm operation and other farm operations in the local agricultural  
14 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm  
15 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-  
16 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;  
17 and

18 (B) The farm stand does not include structures designed for occupancy as a residence or for  
19 activity other than the sale of farm crops or livestock and does not include structures for banquets,  
20 public gatherings or public entertainment.

21 (p) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, restoration or replacement  
22 of a lawfully established dwelling.

23 (q) A site for the takeoff and landing of model aircraft, including such buildings or facilities as  
24 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor  
25 area or placed on a permanent foundation unless the building or facility preexisted the use approved  
26 under this paragraph. The site shall not include an aggregate surface or hard surface area unless  
27 the surface preexisted the use approved under this paragraph. An owner of property used for the  
28 purpose authorized in this paragraph may charge a person operating the use on the property rent  
29 for the property. An operator may charge users of the property a fee that does not exceed the  
30 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model  
31 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is  
32 used or intended to be used for flight and is controlled by radio, lines or design by a person on the  
33 ground.

34 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS  
35 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm  
36 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry  
37 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing  
38 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor  
39 area to the processing facility or establishment, exclusive of the floor area designated for prepara-  
40 tion, storage or other farm use. A processing facility or establishment must comply with all appli-  
41 cable siting standards but the standards may not be applied in a manner that prohibits the siting  
42 of the processing facility or establishment.

43 (s) Fire service facilities providing rural fire protection services.

44 (t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational  
45 facilities, not including parks or other recreational structures and facilities, associated with a dis-

1 trict as defined in ORS 540.505.

2 (u) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-  
3 cilities or structures that end at the point where the utility service is received by the customer and  
4 that are located on one or more of the following:

5 (A) A public right of way;

6 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-  
7 jacent property owners has been obtained; or

8 (C) The property to be served by the utility.

9 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-  
10 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with  
11 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application  
12 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of  
13 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-  
14 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this  
15 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application  
16 of biosolids is limited to treatment using treatment facilities that are portable, temporary and  
17 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land  
18 application of biosolids is authorized under the license, permit or other approval.

19 (w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to  
20 provide rural law enforcement services primarily in rural areas, including parole and post-prison  
21 supervision, but not including a correctional facility as defined under ORS 162.135.

22 (x) Dog training classes or testing trials, which may be conducted outdoors or in preexisting  
23 farm buildings, when:

24 (A) The number of dogs participating in training does not exceed 10 dogs per training class and  
25 the number of training classes to be held on-site does not exceed six per day; and

26 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of  
27 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

28 (y) A cider business, as described in ORS 215.451.

29 (2) The following nonfarm uses may be established, subject to the approval of the governing body  
30 or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

31 (a) Commercial activities that are in conjunction with farm use, including the processing of farm  
32 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or subsection (1)(r) of this section.

33 (b) Operations conducted for:

34 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas  
35 as defined by ORS 520.005 not otherwise permitted under subsection (1)(f) of this section;

36 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-  
37 sources subject to ORS 215.298;

38 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

39 (D) Processing of other mineral resources and other subsurface resources.

40 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the  
41 approval of the county governing body or its designee, a private campground may provide yurts for  
42 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,  
43 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent  
44 foundation. Upon request of a county governing body, the Land Conservation and Development  
45 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion

1 of the campgrounds in a county if the commission determines that the increase will comply with the  
2 standards described in ORS 215.296 (1). As used in this paragraph, “yurt” means a round, domed  
3 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or  
4 internal cooking appliance.

5 (d) Parks and playgrounds. A public park may be established consistent with the provisions of  
6 ORS 195.120.

7 (e) Community centers owned by a governmental agency or a nonprofit community organization  
8 and operated primarily by and for residents of the local rural community. A community center au-  
9 thorized under this paragraph may provide services to veterans, including but not limited to emer-  
10 gency and transitional shelter, preparation and service of meals, vocational and educational  
11 counseling and referral to local, state or federal agencies providing medical, mental health, disability  
12 income replacement and substance abuse services, only in a facility that is in existence on January  
13 1, 2006. The services may not include direct delivery of medical, mental health, disability income  
14 replacement or substance abuse services.

15 (f) Golf courses on land:

16 (A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or

17 (B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:

18 (i) Is not otherwise described in ORS 195.300 (10);

19 (ii) Is surrounded on all sides by an approved golf course; and

20 (iii) Is west of U.S. Highway 101.

21 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the  
22 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-  
23 cility may be established as a commercial utility facility as provided in ORS 215.447.

24 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-  
25 tenance and service facilities. A personal-use airport, as used in this section, means an airstrip re-  
26 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional  
27 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-  
28 erations. No aircraft may be based on a personal-use airport other than those owned or controlled  
29 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be  
30 granted through waiver action by the Oregon Department of Aviation in specific instances. A  
31 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-  
32 ject to any applicable rules of the Oregon Department of Aviation.

33 (i) Home occupations as provided in ORS 215.448.

34 (j) A facility for the primary processing of forest products, provided that such facility is found  
35 to not seriously interfere with accepted farming practices and is compatible with farm uses de-  
36 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is  
37 renewable. These facilities are intended to be only portable or temporary in nature. The primary  
38 processing of a forest product, as used in this section, means the use of a portable chipper or stud  
39 mill or other similar methods of initial treatment of a forest product in order to enable its shipment  
40 to market. Forest products, as used in this section, means timber grown upon a parcel of land or  
41 contiguous land where the primary processing facility is located.

42 (k) A site for the disposal of solid waste approved by the governing body of a city or county or  
43 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-  
44 mental Quality together with equipment, facilities or buildings necessary for its operation.

45 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an

1 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
 2 hardship suffered by the existing resident or a relative of the resident. Within three months of the  
 3 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-  
 4 ished or, in the case of an existing building, the building shall be removed, demolished or returned  
 5 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-  
 6 view of the hardship claimed under this paragraph. A temporary residence approved under this  
 7 paragraph is not eligible for replacement under subsection (1)(p) of this section.

8 (m) Transmission towers over 200 feet in height.

9 (n)(A) Commercial dog boarding kennels; or

10 (B) Dog training classes or testing trials that cannot be established under subsection (1)(x) of  
 11 this section.

12 (o) Residential homes as defined in ORS 197.660, in existing dwellings.

13 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not  
 14 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species  
 15 shall not include any species under quarantine by the State Department of Agriculture or the United  
 16 States Department of Agriculture. The county shall provide notice of all applications under this  
 17 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the  
 18 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-  
 19 tive decision or initial public hearing on the application.

20 (q) Construction of additional passing and travel lanes requiring the acquisition of right of way  
 21 but not resulting in the creation of new land parcels.

22 (r) Reconstruction or modification of public roads and highways involving the removal or dis-  
 23 placement of buildings but not resulting in the creation of new land parcels.

24 (s) Improvement of public road and highway related facilities, such as maintenance yards, weigh  
 25 stations and rest areas, where additional property or right of way is required but not resulting in  
 26 the creation of new land parcels.

27 (t) A destination resort that is approved consistent with the requirements of any statewide  
 28 planning goal relating to the siting of a destination resort.

29 (u) Room and board arrangements for a maximum of five unrelated persons in existing resi-  
 30 dences.

31 (v) Operations for the extraction and bottling of water.

32 (w) Expansion of existing county fairgrounds and activities directly relating to county  
 33 fairgrounds governed by county fair boards established pursuant to ORS 565.210.

34 (x) A living history museum related to resource based activities owned and operated by a gov-  
 35 ernmental agency or a local historical society, together with limited commercial activities and fa-  
 36 cilities that are directly related to the use and enjoyment of the museum and located within  
 37 authentic buildings of the depicted historic period or the museum administration building, if areas  
 38 other than an exclusive farm use zone cannot accommodate the museum and related activities or if  
 39 the museum administration buildings and parking lot are located within one quarter mile of an ur-  
 40 ban growth boundary. As used in this paragraph:

41 (A) "Living history museum" means a facility designed to depict and interpret everyday life and  
 42 culture of some specific historic period using authentic buildings, tools, equipment and people to  
 43 simulate past activities and events; and

44 (B) "Local historical society" means the local historical society recognized by the county gov-  
 45 erning body and organized under ORS chapter 65.

1 (y) An aerial fireworks display business that has been in continuous operation at its current  
 2 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's  
 3 permit to sell or provide fireworks.

4 (z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-  
 5 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction  
 6 with the growing and marketing of nursery stock on the land that constitutes farm use.

7 (aa) Public or private schools for kindergarten through grade 12, including all buildings essential  
 8 to the operation of a school, primarily for residents of the rural area in which the school is located.

9 (bb) Equine and equine-affiliated therapeutic and counseling activities, provided:

10 (A) The activities are conducted in existing buildings that were lawfully constructed on the  
 11 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate  
 12 to the farm use on the tract; and

13 (B) All individuals conducting therapeutic or counseling activities are acting within the proper  
 14 scope of any licenses required by the state.

15 (3) Roads, highways and other transportation facilities and improvements not allowed under  
 16 subsections (1) and (2) of this section may be established, subject to the approval of the governing  
 17 body or its designee, in areas zoned for exclusive farm use subject to:

18 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable  
 19 goal with which the facility or improvement does not comply; or

20 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development  
 21 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

22 (4) The following agri-tourism and other commercial events or activities that are related to and  
 23 supportive of agriculture may be established in any area zoned for exclusive farm use:

24 (a) A county may authorize a single agri-tourism or other commercial event or activity on a  
 25 tract in a calendar year by an authorization that is personal to the applicant and is not transferred  
 26 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event  
 27 or activity meets any local standards that apply and:

28 (A) The agri-tourism or other commercial event or activity is incidental and subordinate to ex-  
 29 isting farm use on the tract;

30 (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72  
 31 consecutive hours;

32 (C) The maximum attendance at the agri-tourism or other commercial event or activity does not  
 33 exceed 500 people;

34 (D) The maximum number of motor vehicles parked at the site of the agri-tourism or other  
 35 commercial event or activity does not exceed 250 vehicles;

36 (E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

37 (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary  
 38 structures, or in existing permitted structures, subject to health and fire and life safety require-  
 39 ments; and

40 (G) The agri-tourism or other commercial event or activity complies with conditions established  
 41 for:

42 (i) Planned hours of operation;

43 (ii) Access, egress and parking;

44 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-  
 45 ipated use of public roads; and

1 (iv) Sanitation and solid waste.

2 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
 3 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-  
 4 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-  
 5 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision  
 6 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.  
 7 To approve an expedited, single-event license, the governing body of a county or its designee must  
 8 determine that the proposed agri-tourism or other commercial event or activity meets any local  
 9 standards that apply, and the agri-tourism or other commercial event or activity:

10 (A) Must be incidental and subordinate to existing farm use on the tract;

11 (B) May not begin before 6 a.m. or end after 10 p.m.;

12 (C) May not involve more than 100 attendees or 50 vehicles;

13 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

14 (E) May not require or involve the construction or use of a new permanent structure in con-  
 15 nection with the agri-tourism or other commercial event or activity;

16 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining  
 17 properties consent, in writing, to the location; and

18 (G) Must comply with applicable health and fire and life safety requirements.

19 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to  
 20 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited  
 21 use permit that is personal to the applicant and is not transferred by, or transferable with, a  
 22 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any  
 23 local standards that apply, and the agri-tourism or other commercial events or activities:

24 (A) Must be incidental and subordinate to existing farm use on the tract;

25 (B) May not, individually, exceed a duration of 72 consecutive hours;

26 (C) May not require that a new permanent structure be built, used or occupied in connection  
 27 with the agri-tourism or other commercial events or activities;

28 (D) Must comply with ORS 215.296;

29 (E) May not, in combination with other agri-tourism or other commercial events or activities  
 30 authorized in the area, materially alter the stability of the land use pattern in the area; and

31 (F) Must comply with conditions established for:

32 (i) The types of agri-tourism or other commercial events or activities that are authorized during  
 33 each calendar year, including the number and duration of the agri-tourism or other commercial  
 34 events and activities, the anticipated daily attendance and the hours of operation;

35 (ii) The location of existing structures and the location of proposed temporary structures to be  
 36 used in connection with the agri-tourism or other commercial events or activities;

37 (iii) The location of access and egress and parking facilities to be used in connection with the  
 38 agri-tourism or other commercial events or activities;

39 (iv) Traffic management, including the projected number of vehicles and any anticipated use of  
 40 public roads; and

41 (v) Sanitation and solid waste.

42 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism  
 43 or other commercial events or activities that occur more frequently or for a longer period or that  
 44 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other  
 45 commercial events or activities comply with any local standards that apply and the agri-tourism or



1 other commercial events or activities:

2 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-  
3 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;

4 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;

5 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;  
6 and

7 (D) Do not exceed 18 events or activities in a calendar year.

8 (5) A holder of a permit authorized by a county under subsection (4)(d) of this section must re-  
9 quest review of the permit at four-year intervals. Upon receipt of a request for review, the county  
10 shall:

11 (a) Provide public notice and an opportunity for public comment as part of the review process;  
12 and

13 (b) Limit its review to events and activities authorized by the permit, conformance with condi-  
14 tions of approval required by the permit and the standards established by subsection (4)(d) of this  
15 section.

16 (6) For the purposes of subsection (4) of this section:

17 (a) A county may authorize the use of temporary structures established in connection with the  
18 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.  
19 However, the temporary structures must be removed at the end of the agri-tourism or other event  
20 or activity. The county may not approve an alteration to the land in connection with an agri-tourism  
21 or other commercial event or activity authorized under subsection (4) of this section, including, but  
22 not limited to, grading, filling or paving.

23 (b) The county may issue the limited use permits authorized by subsection (4)(c) of this section  
24 for two calendar years. When considering an application for renewal, the county shall ensure com-  
25 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and  
26 conditions that apply to the permit or to the agri-tourism or other commercial events or activities  
27 authorized by the permit.

28 *[(c) The authorizations provided by subsection (4) of this section are in addition to other authori-  
29 zations that may be provided by law, except that "outdoor mass gathering" and "other gathering," as  
30 those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events  
31 and activities.]*

32 **SECTION 13.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, section  
33 4, chapter 148, Oregon Laws 2017, section 6, chapter 253, Oregon Laws 2017, section 2, chapter 393,  
34 Oregon Laws 2017, section 6, chapter 504, Oregon Laws 2017, and section 4, chapter 119, Oregon  
35 Laws 2018, is amended to read:

36 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

37 (a) Churches and cemeteries in conjunction with churches.

38 (b) The propagation or harvesting of a forest product.

39 (c) Utility facilities necessary for public service, including wetland waste treatment systems but  
40 not including commercial facilities for the purpose of generating electrical power for public use by  
41 sale or transmission towers over 200 feet in height. A utility facility necessary for public service  
42 may be established as provided in:

43 (A) ORS 215.275; or

44 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
45 469.300.

1 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the  
 2 farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,  
 3 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
 4 operator does or will require the assistance of the relative in the management of the farm use and  
 5 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
 6 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
 7 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or  
 8 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
 9 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
 10 shall operate as a partition of the homesite to create a new parcel.

11 (e) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily  
 12 provided in conjunction with farm use.

13 (f) Operations for the exploration for and production of geothermal resources as defined by ORS  
 14 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
 15 compressors, separators and other customary production equipment for an individual well adjacent  
 16 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
 17 an exception under ORS 197.732 (2)(a) or (b).

18 (g) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or  
 19 construction relating to such operations shall not be a basis for an exception under ORS 197.732  
 20 (2)(a) or (b).

21 (h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

22 (i) Reconstruction or modification of public roads and highways, including the placement of  
 23 utility facilities overhead and in the subsurface of public roads and highways along the public right  
 24 of way, but not including the addition of travel lanes, where no removal or displacement of buildings  
 25 would occur, or no new land parcels result.

26 (j) Temporary public road and highway detours that will be abandoned and restored to original  
 27 condition or use at such time as no longer needed.

28 (k) Minor betterment of existing public road and highway related facilities such as maintenance  
 29 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous  
 30 public-owned property utilized to support the operation and maintenance of public roads and high-  
 31 ways.

32 (L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has  
 33 been listed in a county inventory as historic property as defined in ORS 358.480.

34 (m) Creation, restoration or enhancement of wetlands.

35 (n) A winery, as described in ORS 215.452 or 215.453.

36 (o) Farm stands if:

37 (A) The structures are designed and used for the sale of farm crops or livestock grown on the  
 38 farm operation, or grown on the farm operation and other farm operations in the local agricultural  
 39 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm  
 40 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-  
 41 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;  
 42 and

43 (B) The farm stand does not include structures designed for occupancy as a residence or for  
 44 activity other than the sale of farm crops or livestock and does not include structures for banquets,  
 45 public gatherings or public entertainment.

1 (p) Alteration, restoration or replacement of a lawfully established dwelling that:

2 (A) Has intact exterior walls and roof structure;

3 (B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to  
4 a sanitary waste disposal system;

5 (C) Has interior wiring for interior lights;

6 (D) Has a heating system; and

7 (E) In the case of replacement:

8 (i) Is removed, demolished or converted to an allowable nonresidential use within three months  
9 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of  
10 the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable  
11 siting standards. However, the standards shall not be applied in a manner that prohibits the siting  
12 of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned  
13 for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the  
14 deed records for the county where the property is located a deed restriction prohibiting the siting  
15 of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless  
16 a statement of release is placed in the deed records for the county. The release shall be signed by  
17 the county or its designee and state that the provisions of this paragraph regarding replacement  
18 dwellings have changed to allow the siting of another dwelling. The county planning director or the  
19 director's designee shall maintain a record of the lots and parcels that do not qualify for the siting  
20 of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions  
21 and release statements filed under this paragraph; and

22 (ii) For which the applicant has requested a deferred replacement permit, is removed or demol-  
23 ished within three months after the deferred replacement permit is issued. A deferred replacement  
24 permit allows construction of the replacement dwelling at any time. If, however, the established  
25 dwelling is not removed or demolished within three months after the deferred replacement permit  
26 is issued, the permit becomes void. The replacement dwelling must comply with applicable building  
27 codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to  
28 siting at the time of construction. A deferred replacement permit may not be transferred, by sale  
29 or otherwise, except by the applicant to the spouse or a child of the applicant.

30 (q) A site for the takeoff and landing of model aircraft, including such buildings or facilities as  
31 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor  
32 area or placed on a permanent foundation unless the building or facility preexisted the use approved  
33 under this paragraph. The site shall not include an aggregate surface or hard surface area unless  
34 the surface preexisted the use approved under this paragraph. An owner of property used for the  
35 purpose authorized in this paragraph may charge a person operating the use on the property rent  
36 for the property. An operator may charge users of the property a fee that does not exceed the  
37 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model  
38 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is  
39 used or intended to be used for flight and is controlled by radio, lines or design by a person on the  
40 ground.

41 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS  
42 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm  
43 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry  
44 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing  
45 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor

1 area to the processing facility or establishment, exclusive of the floor area designated for prepara-  
2 tion, storage or other farm use. A processing facility or establishment must comply with all appli-  
3 cable siting standards but the standards may not be applied in a manner that prohibits the siting  
4 of the processing facility or establishment.

5 (s) Fire service facilities providing rural fire protection services.

6 (t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational  
7 facilities, not including parks or other recreational structures and facilities, associated with a dis-  
8 trict as defined in ORS 540.505.

9 (u) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-  
10 cilities or structures that end at the point where the utility service is received by the customer and  
11 that are located on one or more of the following:

12 (A) A public right of way;

13 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-  
14 jacent property owners has been obtained; or

15 (C) The property to be served by the utility.

16 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-  
17 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with  
18 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application  
19 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of  
20 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-  
21 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this  
22 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application  
23 of biosolids is limited to treatment using treatment facilities that are portable, temporary and  
24 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land  
25 application of biosolids is authorized under the license, permit or other approval.

26 (w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to  
27 provide rural law enforcement services primarily in rural areas, including parole and post-prison  
28 supervision, but not including a correctional facility as defined under ORS 162.135.

29 (x) Dog training classes or testing trials, which may be conducted outdoors or in preexisting  
30 farm buildings, when:

31 (A) The number of dogs participating in training does not exceed 10 dogs per training class and  
32 the number of training classes to be held on-site does not exceed six per day; and

33 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of  
34 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

35 (y) A cider business, as described in ORS 215.451.

36 (2) The following nonfarm uses may be established, subject to the approval of the governing body  
37 or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

38 (a) Commercial activities that are in conjunction with farm use, including the processing of farm  
39 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or subsection (1)(r) of this section.

40 (b) Operations conducted for:

41 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas  
42 as defined by ORS 520.005 not otherwise permitted under subsection (1)(f) of this section;

43 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-  
44 sources subject to ORS 215.298;

45 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

1 (D) Processing of other mineral resources and other subsurface resources.

2 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the  
3 approval of the county governing body or its designee, a private campground may provide yurts for  
4 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,  
5 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent  
6 foundation. Upon request of a county governing body, the Land Conservation and Development  
7 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion  
8 of the campgrounds in a county if the commission determines that the increase will comply with the  
9 standards described in ORS 215.296 (1). As used in this paragraph, "yurt" means a round, domed  
10 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or  
11 internal cooking appliance.

12 (d) Parks and playgrounds. A public park may be established consistent with the provisions of  
13 ORS 195.120.

14 (e) Community centers owned by a governmental agency or a nonprofit community organization  
15 and operated primarily by and for residents of the local rural community. A community center au-  
16 thorized under this paragraph may provide services to veterans, including but not limited to emer-  
17 gency and transitional shelter, preparation and service of meals, vocational and educational  
18 counseling and referral to local, state or federal agencies providing medical, mental health, disability  
19 income replacement and substance abuse services, only in a facility that is in existence on January  
20 1, 2006. The services may not include direct delivery of medical, mental health, disability income  
21 replacement or substance abuse services.

22 (f) Golf courses on land:

23 (A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or

24 (B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:

25 (i) Is not otherwise described in ORS 195.300 (10);

26 (ii) Is surrounded on all sides by an approved golf course; and

27 (iii) Is west of U.S. Highway 101.

28 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the  
29 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-  
30 cility may be established as a commercial utility facility as provided in ORS 215.447.

31 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-  
32 tenance and service facilities. A personal-use airport, as used in this section, means an airstrip re-  
33 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional  
34 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-  
35 erations. No aircraft may be based on a personal-use airport other than those owned or controlled  
36 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be  
37 granted through waiver action by the Oregon Department of Aviation in specific instances. A  
38 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-  
39 ject to any applicable rules of the Oregon Department of Aviation.

40 (i) Home occupations as provided in ORS 215.448.

41 (j) A facility for the primary processing of forest products, provided that such facility is found  
42 to not seriously interfere with accepted farming practices and is compatible with farm uses de-  
43 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is  
44 renewable. These facilities are intended to be only portable or temporary in nature. The primary  
45 processing of a forest product, as used in this section, means the use of a portable chipper or stud

1 mill or other similar methods of initial treatment of a forest product in order to enable its shipment  
2 to market. Forest products, as used in this section, means timber grown upon a parcel of land or  
3 contiguous land where the primary processing facility is located.

4 (k) A site for the disposal of solid waste approved by the governing body of a city or county or  
5 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-  
6 mental Quality together with equipment, facilities or buildings necessary for its operation.

7 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
8 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
9 hardship suffered by the existing resident or a relative of the resident. Within three months of the  
10 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-  
11 ished or, in the case of an existing building, the building shall be removed, demolished or returned  
12 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-  
13 view of the hardship claimed under this paragraph. A temporary residence approved under this  
14 paragraph is not eligible for replacement under subsection (1)(p) of this section.

15 (m) Transmission towers over 200 feet in height.

16 (n)(A) Commercial dog boarding kennels; or

17 (B) Dog training classes or testing trials that cannot be established under subsection (1)(x) of  
18 this section.

19 (o) Residential homes as defined in ORS 197.660, in existing dwellings.

20 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not  
21 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species  
22 shall not include any species under quarantine by the State Department of Agriculture or the United  
23 States Department of Agriculture. The county shall provide notice of all applications under this  
24 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the  
25 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-  
26 tive decision or initial public hearing on the application.

27 (q) Construction of additional passing and travel lanes requiring the acquisition of right of way  
28 but not resulting in the creation of new land parcels.

29 (r) Reconstruction or modification of public roads and highways involving the removal or dis-  
30 placement of buildings but not resulting in the creation of new land parcels.

31 (s) Improvement of public road and highway related facilities, such as maintenance yards, weigh  
32 stations and rest areas, where additional property or right of way is required but not resulting in  
33 the creation of new land parcels.

34 (t) A destination resort that is approved consistent with the requirements of any statewide  
35 planning goal relating to the siting of a destination resort.

36 (u) Room and board arrangements for a maximum of five unrelated persons in existing resi-  
37 dences.

38 (v) Operations for the extraction and bottling of water.

39 (w) Expansion of existing county fairgrounds and activities directly relating to county  
40 fairgrounds governed by county fair boards established pursuant to ORS 565.210.

41 (x) A living history museum related to resource based activities owned and operated by a gov-  
42 ernmental agency or a local historical society, together with limited commercial activities and fa-  
43 cilities that are directly related to the use and enjoyment of the museum and located within  
44 authentic buildings of the depicted historic period or the museum administration building, if areas  
45 other than an exclusive farm use zone cannot accommodate the museum and related activities or if

1 the museum administration buildings and parking lot are located within one quarter mile of an ur-  
 2 ban growth boundary. As used in this paragraph:

3 (A) "Living history museum" means a facility designed to depict and interpret everyday life and  
 4 culture of some specific historic period using authentic buildings, tools, equipment and people to  
 5 simulate past activities and events; and

6 (B) "Local historical society" means the local historical society recognized by the county gov-  
 7 erning body and organized under ORS chapter 65.

8 (y) An aerial fireworks display business that has been in continuous operation at its current  
 9 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's  
 10 permit to sell or provide fireworks.

11 (z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-  
 12 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction  
 13 with the growing and marketing of nursery stock on the land that constitutes farm use.

14 (aa) Public or private schools for kindergarten through grade 12, including all buildings essential  
 15 to the operation of a school, primarily for residents of the rural area in which the school is located.

16 (bb) Equine and equine-affiliated therapeutic and counseling activities, provided:

17 (A) The activities are conducted in existing buildings that were lawfully constructed on the  
 18 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate  
 19 to the farm use on the tract; and

20 (B) All individuals conducting therapeutic or counseling activities are acting within the proper  
 21 scope of any licenses required by the state.

22 (3) Roads, highways and other transportation facilities and improvements not allowed under  
 23 subsections (1) and (2) of this section may be established, subject to the approval of the governing  
 24 body or its designee, in areas zoned for exclusive farm use subject to:

25 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable  
 26 goal with which the facility or improvement does not comply; or

27 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development  
 28 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

29 (4) The following agri-tourism and other commercial events or activities that are related to and  
 30 supportive of agriculture may be established in any area zoned for exclusive farm use:

31 (a) A county may authorize a single agri-tourism or other commercial event or activity on a  
 32 tract in a calendar year by an authorization that is personal to the applicant and is not transferred  
 33 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event  
 34 or activity meets any local standards that apply and:

35 (A) The agri-tourism or other commercial event or activity is incidental and subordinate to ex-  
 36 isting farm use on the tract;

37 (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72  
 38 consecutive hours;

39 (C) The maximum attendance at the agri-tourism or other commercial event or activity does not  
 40 exceed 500 people;

41 (D) The maximum number of motor vehicles parked at the site of the agri-tourism or other  
 42 commercial event or activity does not exceed 250 vehicles;

43 (E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

44 (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary  
 45 structures, or in existing permitted structures, subject to health and fire and life safety require-

1 ments; and

2 (G) The agri-tourism or other commercial event or activity complies with conditions established  
3 for:

4 (i) Planned hours of operation;

5 (ii) Access, egress and parking;

6 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-  
7 ipated use of public roads; and

8 (iv) Sanitation and solid waste.

9 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
10 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-  
11 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-  
12 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision  
13 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.  
14 To approve an expedited, single-event license, the governing body of a county or its designee must  
15 determine that the proposed agri-tourism or other commercial event or activity meets any local  
16 standards that apply, and the agri-tourism or other commercial event or activity:

17 (A) Must be incidental and subordinate to existing farm use on the tract;

18 (B) May not begin before 6 a.m. or end after 10 p.m.;

19 (C) May not involve more than 100 attendees or 50 vehicles;

20 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

21 (E) May not require or involve the construction or use of a new permanent structure in con-  
22 nection with the agri-tourism or other commercial event or activity;

23 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining  
24 properties consent, in writing, to the location; and

25 (G) Must comply with applicable health and fire and life safety requirements.

26 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to  
27 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited  
28 use permit that is personal to the applicant and is not transferred by, or transferable with, a  
29 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any  
30 local standards that apply, and the agri-tourism or other commercial events or activities:

31 (A) Must be incidental and subordinate to existing farm use on the tract;

32 (B) May not, individually, exceed a duration of 72 consecutive hours;

33 (C) May not require that a new permanent structure be built, used or occupied in connection  
34 with the agri-tourism or other commercial events or activities;

35 (D) Must comply with ORS 215.296;

36 (E) May not, in combination with other agri-tourism or other commercial events or activities  
37 authorized in the area, materially alter the stability of the land use pattern in the area; and

38 (F) Must comply with conditions established for:

39 (i) The types of agri-tourism or other commercial events or activities that are authorized during  
40 each calendar year, including the number and duration of the agri-tourism or other commercial  
41 events and activities, the anticipated daily attendance and the hours of operation;

42 (ii) The location of existing structures and the location of proposed temporary structures to be  
43 used in connection with the agri-tourism or other commercial events or activities;

44 (iii) The location of access and egress and parking facilities to be used in connection with the  
45 agri-tourism or other commercial events or activities;



1 (iv) Traffic management, including the projected number of vehicles and any anticipated use of  
 2 public roads; and

3 (v) Sanitation and solid waste.

4 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism  
 5 or other commercial events or activities that occur more frequently or for a longer period or that  
 6 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other  
 7 commercial events or activities comply with any local standards that apply and the agri-tourism or  
 8 other commercial events or activities:

9 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-  
 10 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;

11 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;

12 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;  
 13 and

14 (D) Do not exceed 18 events or activities in a calendar year.

15 (5) A holder of a permit authorized by a county under subsection (4)(d) of this section must re-  
 16 quest review of the permit at four-year intervals. Upon receipt of a request for review, the county  
 17 shall:

18 (a) Provide public notice and an opportunity for public comment as part of the review process;  
 19 and

20 (b) Limit its review to events and activities authorized by the permit, conformance with condi-  
 21 tions of approval required by the permit and the standards established by subsection (4)(d) of this  
 22 section.

23 (6) For the purposes of subsection (4) of this section:

24 (a) A county may authorize the use of temporary structures established in connection with the  
 25 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.  
 26 However, the temporary structures must be removed at the end of the agri-tourism or other event  
 27 or activity. The county may not approve an alteration to the land in connection with an agri-tourism  
 28 or other commercial event or activity authorized under subsection (4) of this section, including, but  
 29 not limited to, grading, filling or paving.

30 (b) The county may issue the limited use permits authorized by subsection (4)(c) of this section  
 31 for two calendar years. When considering an application for renewal, the county shall ensure com-  
 32 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and  
 33 conditions that apply to the permit or to the agri-tourism or other commercial events or activities  
 34 authorized by the permit.

35 *[(c) The authorizations provided by subsection (4) of this section are in addition to other authori-  
 36 zations that may be provided by law, except that "outdoor mass gathering" and "other gathering," as  
 37 those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events  
 38 and activities.]*