

# A-Engrossed House Bill 2844

Ordered by the House April 9  
Including House Amendments dated April 9

Sponsored by Representative SMITH DB

## 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.

Allows facilities for processing farm products under 2,500 square feet on lands zoned for exclusive farm use without regard to siting standards.

## A BILL FOR AN ACT

1  
2 Relating to facilities for processing farm products; creating new provisions; and amending ORS  
3 215.203, 215.213, 215.263, 215.283 and 308A.056.

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 215.**

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

7 (a) **"Biofuel" has the meaning given that term in ORS 315.141.**

8 (b) **"Facility for the processing of farm products" means a facility for:**

9 (A) **Processing farm crops, including the production of biofuel, if at least one-quarter of**  
10 **the farm crops come from the farm operation containing the facility; or**

11 (B) **Slaughtering, processing or selling poultry or poultry products from the farm opera-**  
12 **tion containing the facility and consistent with the licensing exemption for a person under**  
13 **ORS 603.038 (2).**

14 (c) **"Processing area" means the floor area of a building dedicated to farm product pro-**  
15 **cessing. "Processing area" does not include the floor area designated for preparation, storage**  
16 **or other farm use.**

17 (2) **A county may allow a facility for the processing of farm products as a permitted use**  
18 **under ORS 215.213 (1)(u) and ORS 215.283 (1)(r) on land zoned for exclusive farm use, only if**  
19 **the facility:**

20 (a) **Uses less than 10,000 square feet for its processing area and complies with all appli-**  
21 **cable siting standards; or**

22 (b)(A) **Notwithstanding any applicable siting standard, uses less than 2,500 square feet for**  
23 **its processing area; and**

24 (B) **Does not involve the processing of marijuana.**

25 (3) **A county may not apply siting standards in a manner that prohibits the siting of a**  
26 **facility for the processing of farm products under subsection (2)(a) of this section.**

27 **SECTION 3. ORS 215.203 is amended to read:**

28 215.203. (1) **Zoning ordinances may be adopted to zone designated areas of land within the**

**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 county as exclusive farm use zones. Land within such zones shall be used exclusively for farm use  
 2 except as otherwise provided in ORS 215.213, 215.283 or 215.284. Farm use zones shall be established  
 3 only when such zoning is consistent with the comprehensive plan.

4 (2)(a) As used in this section, “farm use” means the current employment of land for the primary  
 5 purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding,  
 6 breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or  
 7 honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural  
 8 use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage  
 9 and disposal by marketing or otherwise of the products or by-products raised on such land for hu-  
 10 man or animal use. “Farm use” also includes the current employment of land for the primary pur-  
 11 pose of obtaining a profit in money by stabling or training equines including but not limited to  
 12 providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propa-  
 13 gation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under  
 14 the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules  
 15 adopted by the commission. “Farm use” includes the on-site construction and maintenance of  
 16 equipment and facilities used for the activities described in this subsection. “Farm use” does not  
 17 include the use of land subject to the provisions of ORS chapter 321, except land used exclusively  
 18 for growing cultured Christmas trees [*as defined in subsection (3) of this section*] or land described  
 19 in ORS 321.267 (3) or 321.824 (3).

20 (b) **As used in this subsection**, “current employment” of land for farm use includes:

21 (A) Farmland, the operation or use of which is subject to any farm-related government program;

22 (B) Land lying fallow for one year as a normal and regular requirement of good agricultural  
 23 husbandry;

24 (C) Land planted in orchards or other perennials, other than land specified in subparagraph (D)  
 25 of this paragraph, prior to maturity;

26 (D) Land not in an exclusive farm use zone which has not been eligible for assessment at special  
 27 farm use value in the year prior to planting the current crop and has been planted in orchards,  
 28 cultured Christmas trees or vineyards for at least three years;

29 (E) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically  
 30 tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and  
 31 which is not currently being used for any economic farm use;

32 (F) Except for land under a single family dwelling, land under buildings supporting accepted  
 33 farm practices, including the processing facilities allowed by [*ORS 215.213 (1)(u) and 215.283 (1)(r)*]  
 34 **section 2 of this 2019 Act** and the processing of farm crops into biofuel as commercial activities  
 35 in conjunction with farm use under ORS 215.213 (2)(c) and 215.283 (2)(a);

36 (G) Water impoundments lying in or adjacent to and in common ownership with farm use land;

37 (H) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the  
 38 owner of land specially valued for farm use even if the land constituting the woodlot is not utilized  
 39 in conjunction with farm use;

40 (I) Land lying idle for no more than one year where the absence of farming activity is due to  
 41 the illness of the farmer or member of the farmer’s immediate family. For purposes of this paragraph,  
 42 illness includes injury or infirmity whether or not such illness results in death;

43 (J) Any land described under ORS 321.267 (3) or 321.824 (3); and

44 (K) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:

45 (i) Only the crops of the landowner are being processed;

1 (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm  
2 of the landowner; or

3 (iii) The landowner is custom processing crops into biofuel from other landowners in the area  
4 for their use or sale.

5 (c) As used in this subsection, “accepted [*farming*] **farm** practice” means a mode of operation  
6 that is common to farms of a similar nature, necessary for the operation of such farms to obtain a  
7 profit in money, and customarily utilized in conjunction with farm use.

8 [(3)] (d) **As used in this subsection**, “cultured Christmas trees” means trees:

9 [(a)] (A) Grown on lands used exclusively for that purpose, capable of preparation by intensive  
10 cultivation methods such as plowing or turning over the soil;

11 [(b)] (B) Of a marketable species;

12 [(c)] (C) Managed to [*produce trees meeting*] **meet** U.S. No. 2 or better standards for Christmas  
13 trees as specified by the Agriculture Marketing Services of the United States Department of Agri-  
14 culture; and

15 [(d)] (D) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species,  
16 weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect  
17 and disease control, stump culture, soil cultivation[,] **or** irrigation.

18 **SECTION 4.** ORS 215.263 is amended to read:

19 215.263. (1) Any proposed division of land included within an exclusive farm use zone resulting  
20 in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the  
21 governing body or its designee of the county in which the land is situated. The governing body of  
22 a county by ordinance shall require prior review and approval for divisions of land within exclusive  
23 farm use zones established within the county.

24 (2)(a) The governing body of a county or its designee may approve a proposed division of land  
25 to create parcels for farm use as defined in ORS 215.203 if it finds that:

26 (A) The proposed division of land is appropriate for the continuation of the existing commercial  
27 agricultural enterprise within the area;

28 (B) The parcels created by the proposed division are not smaller than the minimum size estab-  
29 lished under ORS 215.780; or

30 (C) A portion of a lot or parcel has been included within an urban growth boundary and redesi-  
31 gnated for urban uses under the applicable acknowledged comprehensive plan and the portion of  
32 the lot or parcel that remains outside the urban growth boundary and zoned for exclusive farm use  
33 is smaller than the minimum lot or parcel size established under ORS 215.780, subject to paragraph  
34 (b) of this subsection.

35 (b) When a parcel for farm use is created in an exclusive farm use zone under paragraph (a) of  
36 this subsection, the partition must occur along the urban growth boundary and:

37 (A) If the parcel contains a dwelling, the parcel must be large enough to support continued  
38 residential use.

39 (B) If the parcel does not contain a dwelling, the parcel:

40 (i) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

41 (ii) May not be considered in approving or denying an application for siting any other dwelling;  
42 and

43 (iii) May not be considered in approving a redesignation or rezoning of forestlands under the  
44 acknowledged comprehensive plan and land use regulations, except for a redesignation or rezoning  
45 to allow a public park, open space or other natural resource use.

1 (3) The governing body of a county or its designee may approve a proposed division of land in  
2 an exclusive farm use zone for nonfarm uses, except dwellings, set out in ORS 215.213 (2) or 215.283  
3 (2) if it finds that the parcel for the nonfarm use is not larger than the minimum size necessary for  
4 the use. The governing body may establish other criteria as it considers necessary.

5 (4) In western Oregon, as defined in ORS 321.257, but not in the Willamette Valley, as defined  
6 in ORS 215.010, the governing body of a county or its designee:

7 (a) May approve a division of land in an exclusive farm use zone to create up to two new parcels  
8 smaller than the minimum size established under ORS 215.780, each to contain a dwelling not pro-  
9 vided in conjunction with farm use if:

10 (A) The nonfarm dwellings have been approved under ORS 215.213 (3) or 215.284 (2) or (3);

11 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully  
12 created prior to July 1, 2001;

13 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with  
14 the minimum size established under ORS 215.780;

15 (D) The remainder of the original lot or parcel that does not contain the nonfarm dwellings  
16 complies with the minimum size established under ORS 215.780; and

17 (E) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm  
18 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-  
19 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-  
20 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or  
21 forest use in conjunction with other land.

22 (b) May approve a division of land in an exclusive farm use zone to divide a lot or parcel into  
23 two parcels, each to contain one dwelling not provided in conjunction with farm use if:

24 (A) The nonfarm dwellings have been approved under ORS 215.284 (2) or (3);

25 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully  
26 created prior to July 1, 2001;

27 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or  
28 smaller than the minimum size established under ORS 215.780 but equal to or larger than 40 acres;

29 (D) The parcels for the nonfarm dwellings are:

30 (i) Not capable of producing more than 50 cubic feet per acre per year of wood fiber; and

31 (ii) Composed of at least 90 percent Class VI through VIII soils;

32 (E) The parcels for the nonfarm dwellings do not have established water rights for irrigation;  
33 and

34 (F) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm  
35 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-  
36 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-  
37 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or  
38 forest use in conjunction with other land.

39 (5) In eastern Oregon, as defined in ORS 321.805, the governing body of a county or its designee:

40 (a) May approve a division of land in an exclusive farm use zone to create up to two new parcels  
41 smaller than the minimum size established under ORS 215.780, each to contain a dwelling not pro-  
42 vided in conjunction with farm use if:

43 (A) The nonfarm dwellings have been approved under ORS 215.284 (7);

44 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully  
45 created prior to July 1, 2001;

1 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with  
2 the minimum size established under ORS 215.780;

3 (D) The remainder of the original lot or parcel that does not contain the nonfarm dwellings  
4 complies with the minimum size established under ORS 215.780; and

5 (E) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm  
6 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-  
7 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-  
8 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or  
9 forest use in conjunction with other land.

10 (b) May approve a division of land in an exclusive farm use zone to divide a lot or parcel into  
11 two parcels, each to contain one dwelling not provided in conjunction with farm use if:

12 (A) The nonfarm dwellings have been approved under ORS 215.284 (7);

13 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully  
14 created prior to July 1, 2001;

15 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or  
16 smaller than the minimum size established under ORS 215.780 but equal to or larger than 40 acres;

17 (D) The parcels for the nonfarm dwellings are:

18 (i) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber;  
19 and

20 (ii) Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90  
21 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage  
22 for grazing livestock. The Land Conservation and Development Commission, in cooperation with the  
23 State Department of Agriculture and other interested persons, may establish by rule objective cri-  
24 teria for identifying units of land that are not capable of producing adequate herbaceous forage for  
25 grazing livestock. In developing the criteria, the commission shall use the latest information from  
26 the United States Natural Resources Conservation Service and consider costs required to utilize  
27 grazing lands that differ in acreage and productivity level;

28 (E) The parcels for the nonfarm dwellings do not have established water rights for irrigation;  
29 and

30 (F) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm  
31 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-  
32 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-  
33 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or  
34 forest use in conjunction with other land.

35 (6) This section does not apply to the creation or sale of cemetery lots, if a cemetery is within  
36 the boundaries designated for a farm use zone at the time the zone is established.

37 (7) This section does not apply to divisions of land resulting from lien foreclosures or divisions  
38 of land resulting from foreclosure of recorded contracts for the sale of real property.

39 (8) The governing body of a county may not approve any proposed division of a lot or parcel  
40 described in ORS 215.213 (1)(d) or (i), 215.283 (1)(d) or (2)(L) or 215.284 (1), or a proposed division  
41 that separates a [processing] facility **for the processing of farm products, as defined in section**  
42 **2 of this 2019 Act**, from the farm operation [specified in ORS 215.213 (1)(u) or 215.283 (1)(r)].

43 (9) The governing body of a county may approve a proposed division of land in an exclusive farm  
44 use zone to create a parcel with an existing dwelling to be used:

45 (a) As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved

1 under ORS 215.213 (3) or 215.284 (1), (2), (3), (4) or (7); and

2 (b) For historic property that meets the requirements of ORS 215.213 (1)(n) and 215.283 (1)(L).

3 (10)(a) Notwithstanding ORS 215.780, the governing body of a county or its designee may ap-  
4 prove a proposed division of land provided:

5 (A) The land division is for the purpose of allowing a provider of public parks or open space,  
6 or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels;  
7 and

8 (B) A parcel created by the land division that contains a dwelling is large enough to support  
9 continued residential use of the parcel.

10 (b) A parcel created pursuant to this subsection that does not contain a dwelling:

11 (A) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

12 (B) May not be considered in approving or denying an application for siting any other dwelling;

13 (C) May not be considered in approving a redesignation or rezoning of forestlands except for a  
14 redesignation or rezoning to allow a public park, open space or other natural resource use; and

15 (D) May not be smaller than 25 acres unless the purpose of the land division is:

16 (i) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a  
17 wildlife habitat protection plan; or

18 (ii) To allow a transaction in which at least one party is a public park or open space provider,  
19 or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000  
20 acres of open space or park property.

21 (11) The governing body of a county or its designee may approve a division of land smaller than  
22 the minimum lot or parcel size described in ORS 215.780 (1) and (2) in an exclusive farm use zone  
23 provided:

24 (a) The division is for the purpose of establishing a church, including cemeteries in conjunction  
25 with the church;

26 (b) The church has been approved under ORS 215.213 (1) or 215.283 (1);

27 (c) The newly created lot or parcel is not larger than five acres; and

28 (d) The remaining lot or parcel, not including the church, meets the minimum lot or parcel size  
29 described in ORS 215.780 (1) and (2) either by itself or after it is consolidated with another lot or  
30 parcel.

31 (12) Notwithstanding the minimum lot or parcel size described in ORS 215.780 (1) or (2), the  
32 governing body of a county or its designee may approve a proposed division of land in an exclusive  
33 farm use zone for the nonfarm uses set out in ORS 215.213 (1)(v) or 215.283 (1)(s) if it finds that the  
34 parcel for the nonfarm use is not larger than the minimum size necessary for the use. The governing  
35 body may establish other criteria as it considers necessary.

36 (13) The governing body of a county may not approve a division of land for nonfarm use under  
37 subsection (3), (4), (5), (9), (10), (11) or (12) of this section unless any additional tax imposed for the  
38 change in use has been paid.

39 (14) Parcels used or to be used for training or stabling facilities may not be considered appro-  
40 priate to maintain the existing commercial agricultural enterprise in an area where other types of  
41 agriculture occur.

42 **SECTION 5.** ORS 308A.056 is amended to read:

43 308A.056. (1) As used in ORS 308A.050 to 308A.128, "farm use" means the current employment  
44 of land for the primary purpose of obtaining a profit in money by:

45 (a) Raising, harvesting and selling crops.

1 (b) Feeding, breeding, managing or selling livestock, poultry, fur-bearing animals or honeybees  
2 or the produce thereof.

3 (c) Dairying and selling dairy products.

4 (d) Stabling or training equines, including but not limited to providing riding lessons, training  
5 clinics and schooling shows.

6 (e) Propagating, cultivating, maintaining or harvesting aquatic species and bird and animal  
7 species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission.

8 (f) On-site constructing and maintaining equipment and facilities used for the activities described  
9 in this subsection.

10 (g) Preparing, storing or disposing of, by marketing, donation to a local food bank or school or  
11 otherwise, the products or by-products raised for human or animal use on land described in this  
12 section.

13 (h) Implementing a remediation plan previously presented to the assessor for the county in  
14 which the land that is the subject of the plan is located.

15 (i) Using land described in this section for any other agricultural or horticultural use or animal  
16 husbandry or any combination thereof.

17 (2) "Farm use" does not include the use of land subject to timber and forestland taxation under  
18 ORS chapter 321, except land used exclusively for growing cultured Christmas trees or land de-  
19 scribed in ORS 321.267 (3) or 321.824 (3) (relating to land used to grow certain hardwood timber,  
20 including hybrid cottonwood).

21 (3) For purposes of this section, land is currently employed for farm use if the land is:

22 (a) Farmland, the operation or use of which is subject to any farm-related government program;

23 (b) Land lying fallow for one year as a normal and regular requirement of good agricultural  
24 husbandry;

25 (c) Land planted in orchards or other perennials, other than land specified in paragraph (d) of  
26 this subsection, prior to maturity;

27 (d) Land not in an exclusive farm use zone that has not been eligible for assessment at special  
28 farm use value in the year prior to planting the current crop and has been planted in orchards,  
29 cultured Christmas trees or vineyards for at least three years;

30 (e) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically  
31 tillable nor grazeable, lying in or adjacent to and in common ownership with farm use land and that  
32 is not currently being used for any economic farm use;

33 (f) Except for land under a single family dwelling, land under buildings supporting accepted  
34 farming practices, including the processing facilities allowed by [ORS 215.213 (1)(u) and 215.283  
35 (1)(r)] **section 2 of this 2019 Act** and the processing of farm crops into biofuel as commercial ac-  
36 tivities in conjunction with farm use under ORS 215.213 (2)(c) and 215.283 (2)(a);

37 (g) Water impoundments lying in or adjacent to and in common ownership with farm use land;

38 (h) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the  
39 owner of land specially valued for farm use even if the land constituting the woodlot is not utilized  
40 in conjunction with farm use;

41 (i) Land lying idle for no more than one year when the absence of farming activity is the result  
42 of the illness of the farmer or a member of the farmer's immediate family, including injury or  
43 infirmity, regardless of whether the illness results in death;

44 (j) Land described under ORS 321.267 (3) or 321.824 (3) (relating to land used to grow certain  
45 hardwood timber, including hybrid cottonwood);

1 (k) Land subject to a remediation plan previously presented to the assessor for the county in  
2 which the land that is the subject of the plan is located; or

3 (L) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:

4 (i) Only the crops of the landowner are being processed;

5 (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm  
6 of the landowner; or

7 (iii) The landowner is custom processing crops into biofuel from other landowners in the area  
8 for their use or sale.

9 (4) As used in this section:

10 (a) "Accepted farming practice" means a mode of operation that is common to farms of a similar  
11 nature, necessary for the operation of these similar farms to obtain a profit in money and custom-  
12 arily utilized in conjunction with farm use.

13 (b) "Cultured Christmas trees" means trees:

14 (A) Grown on lands used exclusively for that purpose, capable of preparation by intensive cul-  
15 tivation methods such as plowing or turning over the soil;

16 (B) Of a marketable species;

17 (C) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as  
18 specified by the Agricultural Marketing Service of the United States Department of Agriculture; and

19 (D) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed  
20 and brush control and one or more of the following practices:

21 (i) Basal pruning;

22 (ii) Fertilizing;

23 (iii) Insect and disease control;

24 (iv) Stump culture;

25 (v) Soil cultivation; or

26 (vi) Irrigation.

27 **SECTION 6.** ORS 215.213, as amended by section 1, chapter 119, Oregon Laws 2018, is amended  
28 to read:

29 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
30 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

37 (A) ORS 215.275; or

38 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
39 469.300.

40 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the  
41 farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,  
42 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
43 operator does or will require the assistance of the relative in the management of the farm use and  
44 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
45 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS

1 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or  
2 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
3 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
4 shall operate as a partition of the homesite to create a new parcel.

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

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

10 (g) Operations for the exploration for and production of geothermal resources as defined by ORS  
11 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
12 compressors, separators and other customary production equipment for an individual well adjacent  
13 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
14 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

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

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

43 (r) Farm stands if:

44 (A) The structures are designed and used for the sale of farm crops or livestock grown on the  
45 farm operation, or grown on the farm operation and other farm operations in the local agricultural

1 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm  
2 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-  
3 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;  
4 and

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

8 (s) An armed forces reserve center, if the center is within one-half mile of a community college.  
9 For purposes of this paragraph, “armed forces reserve center” includes an armory or National  
10 Guard support facility.

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

22 (u) A facility for the processing of farm [*crops or for the production of biofuel, as defined in ORS*  
23 *315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm crops*  
24 *processed at the facility, or an establishment for the slaughter, processing or selling of poultry or*  
25 *poultry products pursuant to ORS 603.038. If a building is established or used for the processing fa-*  
26 *cility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to*  
27 *the processing facility or establishment, exclusive of the floor area designated for preparation, storage*  
28 *or other farm use. A processing facility or establishment must comply with all applicable siting stan-*  
29 *dards but the standards may not be applied in a manner that prohibits the siting of the processing*  
30 *facility or establishment]* **products as described in section 2 of this 2019 Act.**

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

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

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

38 (A) A public right of way;

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

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

42 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-  
43 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with  
44 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application  
45 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of

1 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-  
2 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this  
3 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application  
4 of biosolids is limited to treatment using treatment facilities that are portable, temporary and  
5 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land  
6 application of biosolids is authorized under the license, permit or other approval.

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

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

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

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

14 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
15 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
16 215.296:

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

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

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

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

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

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

33 (c) Commercial activities that are in conjunction with farm use, including the processing of farm  
34 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or *[subsection (1)(u) of this section]*  
35 **section 2 of this 2019 Act.**

36 (d) Operations conducted for:

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

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

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

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

43 (e) Community centers owned by a governmental agency or a nonprofit community organization  
44 and operated primarily by and for residents of the local rural community, hunting and fishing pre-  
45 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the

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

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

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

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

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

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

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

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

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

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

- 1 (n) Home occupations as provided in ORS 215.448.
- 2 (o) Transmission towers over 200 feet in height.
- 3 (p) Construction of additional passing and travel lanes requiring the acquisition of right of way  
4 but not resulting in the creation of new land parcels.
- 5 (q) Reconstruction or modification of public roads and highways involving the removal or dis-  
6 placement of buildings but not resulting in the creation of new land parcels.
- 7 (r) Improvement of public road and highway related facilities such as maintenance yards, weigh  
8 stations and rest areas, where additional property or right of way is required but not resulting in  
9 the creation of new land parcels.
- 10 (s) A destination resort that is approved consistent with the requirements of any statewide  
11 planning goal relating to the siting of a destination resort.
- 12 (t) Room and board arrangements for a maximum of five unrelated persons in existing resi-  
13 dences.
- 14 (u) A living history museum related to resource based activities owned and operated by a gov-  
15 ernmental agency or a local historical society, together with limited commercial activities and fa-  
16 cilities that are directly related to the use and enjoyment of the museum and located within  
17 authentic buildings of the depicted historic period or the museum administration building, if areas  
18 other than an exclusive farm use zone cannot accommodate the museum and related activities or if  
19 the museum administration buildings and parking lot are located within one quarter mile of the  
20 metropolitan urban growth boundary. As used in this paragraph:
- 21 (A) "Living history museum" means a facility designed to depict and interpret everyday life and  
22 culture of some specific historic period using authentic buildings, tools, equipment and people to  
23 simulate past activities and events; and
- 24 (B) "Local historical society" means the local historical society, recognized as such by the  
25 county governing body and organized under ORS chapter 65.
- 26 (v) Operations for the extraction and bottling of water.
- 27 (w) An aerial fireworks display business that has been in continuous operation at its current  
28 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's  
29 permit to sell or provide fireworks.
- 30 (x) A landscape contracting business, as defined in ORS 671.520, or a business providing land-  
31 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction  
32 with the growing and marketing of nursery stock on the land that constitutes farm use.
- 33 (y) Public or private schools for kindergarten through grade 12, including all buildings essential  
34 to the operation of a school, primarily for residents of the rural area in which the school is located.
- 35 (z) Equine and equine-affiliated therapeutic and counseling activities, provided:
- 36 (A) The activities are conducted in existing buildings that were lawfully constructed on the  
37 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate  
38 to the farm use on the tract; and
- 39 (B) All individuals conducting therapeutic or counseling activities are acting within the proper  
40 scope of any licenses required by the state.
- 41 (3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
42 a single-family residential dwelling not provided in conjunction with farm use may be established  
43 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by  
44 the Agricultural Capability Classification System in use by the United States Department of Agri-  
45 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval

1 of the governing body or its designee in any area zoned for exclusive farm use upon written findings  
2 showing all of the following:

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

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

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

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

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

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

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

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

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

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

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

38 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,  
39 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (i) Planned hours of operation;

36 (ii) Access, egress and parking;

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

39 (iv) Sanitation and solid waste.

40 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
41 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-  
42 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-  
43 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision  
44 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.  
45 To approve an expedited, single-event license, the governing body of a county or its designee must

1 determine that the proposed agri-tourism or other commercial event or activity meets any local  
2 standards that apply, and the agri-tourism or other commercial event or activity:

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

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

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

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

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

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

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

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

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

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

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

21 (D) Must comply with ORS 215.296;

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

24 (F) Must comply with conditions established for:

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

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

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

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

34 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

21 (c) The authorizations provided by subsection (11) of this section are in addition to other au-  
22 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-  
23 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial  
24 events and activities.

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

28 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
29 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

36 (A) ORS 215.275; or

37 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
38 469.300.

39 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the  
40 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,  
41 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
42 operator does or will require the assistance of the relative in the management of the farm use and  
43 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
44 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
45 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or

1 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
2 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
3 shall operate as a partition of the homesite to create a new parcel.

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

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

9 (g) Operations for the exploration for and production of geothermal resources as defined by ORS  
10 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
11 compressors, separators and other customary production equipment for an individual well adjacent  
12 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
13 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

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

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

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

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

44 (C) Has interior wiring for interior lights;

45 (D) Has a heating system; and

1 (E) In the case of replacement:

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

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

24 (r) Farm stands if:

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

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

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

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

1 used or intended to be used for flight and is controlled by radio, lines or design by a person on the  
2 ground.

3 (u) A facility for the processing of farm [*crops or for the production of biofuel, as defined in ORS*  
4 *315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm crops*  
5 *processed at the facility, or an establishment for the slaughter, processing or selling of poultry or*  
6 *poultry products pursuant to ORS 603.038. If a building is established or used for the processing fa-*  
7 *ility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to*  
8 *the processing facility or establishment, exclusive of the floor area designated for preparation, storage*  
9 *or other farm use. A processing facility or establishment must comply with all applicable siting stan-*  
10 *dards but the standards may not be applied in a manner that prohibits the siting of the processing*  
11 *facility or establishment]* **products as described in section 2 of this 2019 Act.**

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

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

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

19 (A) A public right of way;

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

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

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

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

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

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

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

40 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
41 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
42 215.296:

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

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

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

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

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

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

14 (c) Commercial activities that are in conjunction with farm use, including the processing of farm  
15 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or [*subsection (1)(u) of this section*]  
16 **section 2 of this 2019 Act.**

17 (d) Operations conducted for:

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

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

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

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

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

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

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

41 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-  
42 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-  
43 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional  
44 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-  
45 erations. No aircraft may be based on a personal-use airport other than those owned or controlled

1 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be  
2 granted through waiver action by the Oregon Department of Aviation in specific instances. A  
3 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-  
4 ject to any applicable rules of the Oregon Department of Aviation.

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

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

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

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

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

20 (m) 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 (n) Home occupations as provided in ORS 215.448.

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

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

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

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

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

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

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

1 metropolitan urban growth boundary. As used in this paragraph:

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

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

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

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

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

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

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

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

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

43 (b) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a  
44 geological hazard area, the dwelling complies with conditions imposed by local ordinances relating  
45 specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is

1 applicable; and

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

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

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

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

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

19 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,  
20 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

43 (a) A county may authorize a single agri-tourism or other commercial event or activity on a  
44 tract in a calendar year by an authorization that is personal to the applicant and is not transferred  
45 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event

1 or activity meets any local standards that apply and:

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

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

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

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

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

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

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

16 (i) Planned hours of operation;

17 (ii) Access, egress and parking;

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

20 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

45 (C) May not require that a new permanent structure be built, used or occupied in connection

1 with the agri-tourism or other commercial events or activities;

2 (D) Must comply with ORS 215.296;

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

5 (F) Must comply with conditions established for:

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

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

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

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

15 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

1 authorized by the permit.

2 (c) The authorizations provided by subsection (11) of this section are in addition to other au-  
3 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-  
4 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial  
5 events and activities.

6 **SECTION 8.** ORS 215.283, as amended by section 3, chapter 119, Oregon Laws 2018, is amended  
7 to read:

8 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

15 (A) ORS 215.275; or

16 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
17 469.300.

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

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

30 (f) Operations for the exploration for and production of geothermal resources as defined by ORS  
31 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
32 compressors, separators and other customary production equipment for an individual well adjacent  
33 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
34 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

45 (k) Minor betterment of existing public road and highway related facilities such as maintenance

1 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous  
2 public-owned property utilized to support the operation and maintenance of public roads and high-  
3 ways.

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

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

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

8 (o) Farm stands if:

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

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

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

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

31 (r) A facility for the processing of farm [*crops or for the production of biofuel, as defined in ORS*  
32 *315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm crops*  
33 *processed at the facility, or an establishment for the slaughter, processing or selling of poultry or*  
34 *poultry products pursuant to ORS 603.038. If a building is established or used for the processing fa-*  
35 *ility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to*  
36 *the processing facility or establishment, exclusive of the floor area designated for preparation, storage*  
37 *or other farm use. A processing facility or establishment must comply with all applicable siting stan-*  
38 *dards but the standards may not be applied in a manner that prohibits the siting of the processing*  
39 *facility or establishment]* **products as described in section 2 of this 2019 Act.**

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

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

44 (u) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-  
45 cilities or structures that end at the point where the utility service is received by the customer and

1 that are located on one or more of the following:

2 (A) A public right of way;

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

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

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

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

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

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

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

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

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

28 (a) Commercial activities that are in conjunction with farm use, including the processing of farm  
29 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or *[subsection (1)(r) of this section]*  
30 **section 2 of this 2019 Act.**

31 (b) Operations conducted for:

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

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

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

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

38 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the  
39 approval of the county governing body or its designee, a private campground may provide yurts for  
40 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,  
41 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent  
42 foundation. Upon request of a county governing body, the Land Conservation and Development  
43 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion  
44 of the campgrounds in a county if the commission determines that the increase will comply with the  
45 standards described in ORS 215.296 (1). As used in this paragraph, "yurt" means a round, domed

1 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or  
2 internal cooking appliance.

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

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

13 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

43 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
44 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
45 hardship suffered by the existing resident or a relative of the resident. Within three months of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (y) An aerial fireworks display business that has been in continuous operation at its current  
45 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's

1 permit to sell or provide fireworks.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (i) Planned hours of operation;

41 (ii) Access, egress and parking;

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

44 (iv) Sanitation and solid waste.

45 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,

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

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

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

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

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

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

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

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

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

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

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

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

26 (D) Must comply with ORS 215.296;

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

29 (F) Must comply with conditions established for:

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

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

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

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

39 (v) Sanitation and solid waste.

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

45 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-

1 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;

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

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

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

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

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

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

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

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

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

26 (c) The authorizations provided by subsection (4) of this section are in addition to other au-  
27 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-  
28 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial  
29 events and activities.

30 **SECTION 9.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, section 4,  
31 chapter 148, Oregon Laws 2017, section 6, chapter 253, Oregon Laws 2017, section 2, chapter 393,  
32 Oregon Laws 2017, section 6, chapter 504, Oregon Laws 2017, and section 4, chapter 119, Oregon  
33 Laws 2018, is amended to read:

34 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

41 (A) ORS 215.275; or

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

44 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the  
45 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,

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

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

11 (f) Operations for the exploration for and production of geothermal resources as defined by ORS  
12 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
13 compressors, separators and other customary production equipment for an individual well adjacent  
14 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
15 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

34 (o) Farm stands if:

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

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

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

39 (r) A facility for the processing of farm [*crops or for the production of biofuel, as defined in ORS*  
40 *315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm crops*  
41 *processed at the facility, or an establishment for the slaughter, processing or selling of poultry or*  
42 *poultry products pursuant to ORS 603.038. If a building is established or used for the processing fa-*  
43 *facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to*  
44 *the processing facility or establishment, exclusive of the floor area designated for preparation, storage*  
45 *or other farm use. A processing facility or establishment must comply with all applicable siting stan-*

1 *dards but the standards may not be applied in a manner that prohibits the siting of the processing*  
2 *facility or establishment]* **products as described in section 2 of this 2019 Act.**

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

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

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

10 (A) A public right of way;

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

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

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

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

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

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

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

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

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

36 (a) Commercial activities that are in conjunction with farm use, including the processing of farm  
37 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or *[subsection (1)(r) of this section]*  
38 **section 2 of this 2019 Act.**

39 (b) Operations conducted for:

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

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

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

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

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

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

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

21 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

1 to market. Forest products, as used in this section, means timber grown upon a parcel of land or  
2 contiguous land where the primary processing facility is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ban growth boundary. As used in this paragraph:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (i) Planned hours of operation;

4 (ii) Access, egress and parking;

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

7 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

34 (D) Must comply with ORS 215.296;

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

37 (F) Must comply with conditions established for:

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

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

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

45 (iv) Traffic management, including the projected number of vehicles and any anticipated use of

1 public roads; and

2 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

34 (c) The authorizations provided by subsection (4) of this section are in addition to other au-  
35 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-  
36 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial  
37 events and activities.

38