

House Bill 2844

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 **as introduced**.

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, 308A.056 and 455.315.

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 tract containing the facility; or**

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

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 455.315 is amended to read:**

28 455.315. (1) **The provisions of this chapter do not authorize the application of a state structural**
29 **specialty code to any agricultural building, agricultural grading or equine facility.**

30 (2) **As used in this section:**

31 (a) **"Agricultural building" means a structure located on a farm or forest operation and used for:**

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 (A) Storage, maintenance or repair of farm or forestry machinery and equipment;

2 (B) The raising, harvesting and selling of crops or forest products;

3 (C) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-
4 bearing animals or honeybees;

5 (D) Dairying and the sale of dairy products; [or]

6 **(E) Processing of farm products using less than 2,500 square feet of floor area for its**
7 **processing area, as described in section 2 (2)(b) of this 2019 Act; or**

8 [(E)] (F) Any other agricultural, forestry or horticultural use or animal husbandry, or any
9 combination thereof, including the preparation and storage of the produce raised on the farm for
10 human use and animal use, the preparation and storage of forest products and the disposal, by
11 marketing or otherwise, of farm produce or forest products.

12 (b) "Agricultural building" does not mean:

13 (A) A dwelling;

14 (B) A structure used for a purpose other than growing plants in which 10 or more persons are
15 present at any one time;

16 (C) A structure regulated by the State Fire Marshal pursuant to ORS chapter 476;

17 (D) A structure used by the public; or

18 (E) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood
19 Insurance Act of 1968) as amended, and regulations promulgated thereunder.

20 (c) "Agricultural grading" means grading related to a farming practice as defined in ORS 30.930.

21 (d) "Equine facility" means a building located on a farm and used by the farm owner or the
22 public for:

23 (A) Stabling or training equines; or

24 (B) Riding lessons and training clinics.

25 (e) "Equine facility" does not mean:

26 (A) A dwelling;

27 (B) A structure in which more than 10 persons are present at any one time;

28 (C) A structure regulated by the State Fire Marshal pursuant to ORS chapter 476; or

29 (D) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood
30 Insurance Act of 1968) as amended, and regulations promulgated thereunder.

31 (3) Notwithstanding the provisions of subsection (1) of this section, incorporated cities may
32 regulate agricultural buildings and equine facilities within their boundaries pursuant to this chapter.

33 **SECTION 4.** ORS 215.203 is amended to read:

34 215.203. (1) Zoning ordinances may be adopted to zone designated areas of land within the
35 county as exclusive farm use zones. Land within such zones shall be used exclusively for farm use
36 except as otherwise provided in ORS 215.213, 215.283 or 215.284. Farm use zones shall be established
37 only when such zoning is consistent with the comprehensive plan.

38 (2)(a) As used in this section, "farm use" means the current employment of land for the primary
39 purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding,
40 breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or
41 honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural
42 use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage
43 and disposal by marketing or otherwise of the products or by-products raised on such land for hu-
44 man or animal use. "Farm use" also includes the current employment of land for the primary pur-
45 pose of obtaining a profit in money by stabling or training equines including but not limited to

1 providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propa-
 2 gation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under
 3 the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules
 4 adopted by the commission. “Farm use” includes the on-site construction and maintenance of
 5 equipment and facilities used for the activities described in this subsection. “Farm use” does not
 6 include the use of land subject to the provisions of ORS chapter 321, except land used exclusively
 7 for growing cultured Christmas trees [*as defined in subsection (3) of this section*] or land described
 8 in ORS 321.267 (3) or 321.824 (3).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **SECTION 5.** ORS 215.263 is amended to read:

8 215.263. (1) Any proposed division of land included within an exclusive farm use zone resulting
 9 in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the
 10 governing body or its designee of the county in which the land is situated. The governing body of
 11 a county by ordinance shall require prior review and approval for divisions of land within exclusive
 12 farm use zones established within the county.

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

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

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

19 (C) A portion of a lot or parcel has been included within an urban growth boundary and reded-
 20 icated for urban uses under the applicable acknowledged comprehensive plan and the portion of
 21 the lot or parcel that remains outside the urban growth boundary and zoned for exclusive farm use
 22 is smaller than the minimum lot or parcel size established under ORS 215.780, subject to paragraph
 23 (b) of this subsection.

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

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

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

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

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

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

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

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

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

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

45 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully

1 created prior to July 1, 2001;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (A) The nonfarm dwellings have been approved under ORS 215.284 (7);
- 2 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully
3 created prior to July 1, 2001;
- 4 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or
5 smaller than the minimum size established under ORS 215.780 but equal to or larger than 40 acres;
- 6 (D) The parcels for the nonfarm dwellings are:
- 7 (i) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber;
8 and
- 9 (ii) Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90
10 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage
11 for grazing livestock. The Land Conservation and Development Commission, in cooperation with the
12 State Department of Agriculture and other interested persons, may establish by rule objective cri-
13 teria for identifying units of land that are not capable of producing adequate herbaceous forage for
14 grazing livestock. In developing the criteria, the commission shall use the latest information from
15 the United States Natural Resources Conservation Service and consider costs required to utilize
16 grazing lands that differ in acreage and productivity level;
- 17 (E) The parcels for the nonfarm dwellings do not have established water rights for irrigation;
18 and
- 19 (F) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm
20 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-
21 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-
22 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or
23 forest use in conjunction with other land.
- 24 (6) This section does not apply to the creation or sale of cemetery lots, if a cemetery is within
25 the boundaries designated for a farm use zone at the time the zone is established.
- 26 (7) This section does not apply to divisions of land resulting from lien foreclosures or divisions
27 of land resulting from foreclosure of recorded contracts for the sale of real property.
- 28 (8) The governing body of a county may not approve any proposed division of a lot or parcel
29 described in ORS 215.213 (1)(d) or (i), 215.283 (1)(d) or (2)(L) or 215.284 (1), or a proposed division
30 that separates a [*processing*] facility **for the processing of farm products, as defined in section**
31 **2 of this 2019 Act**, from the farm operation [*specified in ORS 215.213 (1)(u) or 215.283 (1)(r)*].
- 32 (9) The governing body of a county may approve a proposed division of land in an exclusive farm
33 use zone to create a parcel with an existing dwelling to be used:
- 34 (a) As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved
35 under ORS 215.213 (3) or 215.284 (1), (2), (3), (4) or (7); and
- 36 (b) For historic property that meets the requirements of ORS 215.213 (1)(n) and 215.283 (1)(L).
- 37 (10)(a) Notwithstanding ORS 215.780, the governing body of a county or its designee may ap-
38 prove a proposed division of land provided:
- 39 (A) The land division is for the purpose of allowing a provider of public parks or open space,
40 or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels;
41 and
- 42 (B) A parcel created by the land division that contains a dwelling is large enough to support
43 continued residential use of the parcel.
- 44 (b) A parcel created pursuant to this subsection that does not contain a dwelling:
- 45 (A) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

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

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

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

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

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

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

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

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

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

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

20 (12) Notwithstanding the minimum lot or parcel size described in ORS 215.780 (1) or (2), the
21 governing body of a county or its designee may approve a proposed division of land in an exclusive
22 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
23 parcel for the nonfarm use is not larger than the minimum size necessary for the use. The governing
24 body may establish other criteria as it considers necessary.

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

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

31 **SECTION 6.** ORS 308A.056 is amended to read:

32 308A.056. (1) As used in ORS 308A.050 to 308A.128, "farm use" means the current employment
33 of land for the primary purpose of obtaining a profit in money by:

34 (a) Raising, harvesting and selling crops.

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

37 (c) Dairying and selling dairy products.

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

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

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

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

1 section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (4) As used in this section:

44 (a) "Accepted farming practice" means a mode of operation that is common to farms of a similar
45 nature, necessary for the operation of these similar farms to obtain a profit in money and custom-

arily utilized in conjunction with farm use.

(b) “Cultured Christmas trees” means trees:

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

(B) Of a marketable species;

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

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

(i) Basal pruning;

(ii) Fertilizing;

(iii) Insect and disease control;

(iv) Stump culture;

(v) Soil cultivation; or

(vi) Irrigation.

SECTION 7. ORS 215.213, as amended by section 1, chapter 119, Oregon Laws 2018, is amended to read:

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

(a) Churches and cemeteries in conjunction with churches.

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

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

(A) ORS 215.275; or

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

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

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

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

(g) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of

1 compressors, separators and other customary production equipment for an individual well adjacent
 2 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
 3 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

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

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

32 (r) Farm stands if:

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

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

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

45 (t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as

1 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor
 2 area or placed on a permanent foundation unless the building or facility preexisted the use approved
 3 under this paragraph. The site shall not include an aggregate surface or hard surface area unless
 4 the surface preexisted the use approved under this paragraph. An owner of property used for the
 5 purpose authorized in this paragraph may charge a person operating the use on the property rent
 6 for the property. An operator may charge users of the property a fee that does not exceed the
 7 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model
 8 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
 9 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
 10 ground.

11 (u) A facility for the processing of farm [*crops or for the production of biofuel, as defined in ORS*
 12 *315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm crops*
 13 *processed at the facility, or an establishment for the slaughter, processing or selling of poultry or*
 14 *poultry products pursuant to ORS 603.038. If a building is established or used for the processing fa-*
 15 *ility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to*
 16 *the processing facility or establishment, exclusive of the floor area designated for preparation, storage*
 17 *or other farm use. A processing facility or establishment must comply with all applicable siting stan-*
 18 *dards but the standards may not be applied in a manner that prohibits the siting of the processing*
 19 *facility or establishment]* **products as described in section 2 of this 2019 Act.**

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

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

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

27 (A) A public right of way;

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

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

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

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

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

45 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of

1 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

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

3 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
4 the following uses may be established in any area zoned for exclusive farm use subject to ORS
5 215.296:

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

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

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

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

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

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

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

25 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 one single-family dwelling, not provided in conjunction with farm use, may be established in any
2 area zoned for exclusive farm use on a lot or parcel described in subsection (7) of this section that
3 is not larger than three acres upon written findings showing:

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

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

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

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

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

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

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

27 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
28 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

45 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable

1 goal with which the facility or improvement does not comply; or

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

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

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

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

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

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

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

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

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

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

24 (i) Planned hours of operation;

25 (ii) Access, egress and parking;

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

28 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

10 (D) Must comply with ORS 215.296;

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

13 (F) Must comply with conditions established for:

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

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

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

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

23 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

44 (a) A county may authorize the use of temporary structures established in connection with the
 45 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-

1 tion. However, the temporary structures must be removed at the end of the agri-tourism or other
2 event or activity. The county may not approve an alteration to the land in connection with an
3 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,
4 including, but not limited to, grading, filling or paving.

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

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

14 **SECTION 8.** ORS 215.213, as amended by section 7, chapter 462, Oregon Laws 2013, section 2,
15 chapter 148, Oregon Laws 2017, section 4, chapter 253, Oregon Laws 2017, section 4, chapter 504,
16 Oregon Laws 2017, and section 2, chapter 119, Oregon Laws 2018, is amended to read:

17 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
18 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

25 (A) ORS 215.275; or

26 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
27 469.300.

28 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
29 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
30 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
31 operator does or will require the assistance of the relative in the management of the farm use and
32 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
33 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS
34 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
35 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
36 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
37 shall operate as a partition of the homesite to create a new parcel.

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

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

43 (g) Operations for the exploration for and production of geothermal resources as defined by ORS
44 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
45 compressors, separators and other customary production equipment for an individual well adjacent

1 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
 2 an exception under ORS 197.732 (2)(a) or (b).

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

6 (i) 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 paragraph (q) of this subsection.

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

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

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

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

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

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

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

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

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

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

33 (C) Has interior wiring for interior lights;

34 (D) Has a heating system; and

35 (E) In the case of replacement:

36 (i) Is removed, demolished or converted to an allowable nonresidential use within three months
 37 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of
 38 the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable
 39 siting standards. However, the standards shall not be applied in a manner that prohibits the siting
 40 of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned
 41 for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the
 42 deed records for the county where the property is located a deed restriction prohibiting the siting
 43 of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless
 44 a statement of release is placed in the deed records for the county. The release shall be signed by
 45 the county or its designee and state that the provisions of this paragraph regarding replacement

1 dwellings have changed to allow the siting of another dwelling. The county planning director or the
 2 director's designee shall maintain a record of the lots and parcels that do not qualify for the siting
 3 of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions
 4 and release statements filed under this paragraph; and

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

13 (r) Farm stands if:

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

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

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

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

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

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

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

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

8 (A) A public right of way;

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

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

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

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

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

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

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

29 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
 30 the following uses may be established in any area zoned for exclusive farm use subject to ORS
 31 215.296:

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

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

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

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

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

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

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

6 (d) Operations conducted for:

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

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

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

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

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, hunting and fishing pre-
 15 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the
 16 county governing body or its designee, a private campground may provide yurts for overnight
 17 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include
 18 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
 19 Upon request of a county governing body, the Land Conservation and Development Commission may
 20 provide by rule for an increase in the number of yurts allowed on all or a portion of the
 21 campgrounds in a county if the commission determines that the increase will comply with the stan-
 22 dards described in ORS 215.296 (1). A public park or campground may be established as provided
 23 under ORS 195.120. As used in this paragraph, “yurt” means a round, domed shelter of cloth or
 24 canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appli-
 25 ance.

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

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

1 contiguous land where the primary processing facility is located.

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

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

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

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

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

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

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

18 (p) 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 (q) 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 (r) 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 (s) 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 (t) Room and board arrangements for a maximum of five unrelated persons in existing resi-
28 dences.

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

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

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

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

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

45 (x) A landscape contracting business, as defined in ORS 671.520, or a business providing land-

1 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction
2 with the growing and marketing of nursery stock on the land that constitutes farm use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (6) The notice required in subsection (5) of this section shall specify that persons have 15 days
45 following the date of postmark of the notice to file a written objection on the grounds only that the

1 dwelling or activities associated with it would force a significant change in or significantly increase
2 the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is re-
3 ceived, the governing body or its designee shall approve or disapprove the application. If an ob-
4 jection is received, the governing body shall set the matter for hearing in the manner prescribed in
5 ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required
6 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of
7 this section.

8 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
9 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary

1 structures, or in existing permitted structures, subject to health and fire and life safety require-
 2 ments; and

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

5 (i) Planned hours of operation;

6 (ii) Access, egress and parking;

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

9 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

36 (D) Must comply with ORS 215.296;

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

39 (F) Must comply with conditions established for:

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

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

45 (iii) The location of access and egress and parking facilities to be used in connection with the

1 agri-tourism or other commercial events or activities;

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

4 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

42 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

45 (c) Utility facilities necessary for public service, including wetland waste treatment systems but

1 not including commercial facilities for the purpose of generating electrical power for public use by
2 sale or transmission towers over 200 feet in height. A utility facility necessary for public service
3 may be established as provided in:

4 (A) ORS 215.275; or

5 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
6 469.300.

7 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
8 farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,
9 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
10 operator does or will require the assistance of the relative in the management of the farm use and
11 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
12 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS
13 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
14 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
15 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
16 shall operate as a partition of the homesite to create a new parcel.

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

19 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
20 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
21 compressors, separators and other customary production equipment for an individual well adjacent
22 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
23 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

42 (o) Farm stands if:

43 (A) The structures are designed and used for the sale of farm crops or livestock grown on the
44 farm operation, or grown on the farm operation and other farm operations in the local agricultural
45 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm

1 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-
2 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
3 and

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

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

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

20 (r) A facility for the processing of farm *[crops or for the production of biofuel, as defined in ORS*
21 *315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm crops*
22 *processed at the facility, or an establishment for the slaughter, processing or selling of poultry or*
23 *poultry products pursuant to ORS 603.038. If a building is established or used for the processing fa-*
24 *facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to*
25 *the processing facility or establishment, exclusive of the floor area designated for preparation, storage*
26 *or other farm use. A processing facility or establishment must comply with all applicable siting stan-*
27 *dards but the standards may not be applied in a manner that prohibits the siting of the processing*
28 *facility or establishment]* **products as described in section 2 of this 2019 Act.**

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

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

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

36 (A) A public right of way;

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

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

40 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
41 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
42 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
43 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of
44 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-
45 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this

1 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application
 2 of biosolids is limited to treatment using treatment facilities that are portable, temporary and
 3 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land
 4 application of biosolids is authorized under the license, permit or other approval.

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

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

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

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

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

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

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

20 (b) Operations conducted for:

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

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

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

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

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

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

39 (e) Community centers owned by a governmental agency or a nonprofit community organization
 40 and operated primarily by and for residents of the local rural community. A community center au-
 41 thorized under this paragraph may provide services to veterans, including but not limited to emer-
 42 gency and transitional shelter, preparation and service of meals, vocational and educational
 43 counseling and referral to local, state or federal agencies providing medical, mental health, disability
 44 income replacement and substance abuse services, only in a facility that is in existence on January
 45 1, 2006. The services may not include direct delivery of medical, mental health, disability income

1 replacement or substance abuse services.

2 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not

1 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
2 shall not include any species under quarantine by the State Department of Agriculture or the United
3 States Department of Agriculture. The county shall provide notice of all applications under this
4 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the
5 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
6 tive decision or initial public hearing on the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (B) All individuals conducting therapeutic or counseling activities are acting within the proper

1 scope of any licenses required by the state.

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

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

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

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

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

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

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

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

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

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

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

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

29 (i) Planned hours of operation;

30 (ii) Access, egress and parking;

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

33 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

15 (D) Must comply with ORS 215.296;

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

18 (F) Must comply with conditions established for:

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

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

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

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

28 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

45 (b) Limit its review to events and activities authorized by the permit, conformance with condi-

1 tions of approval required by the permit and the standards established by subsection (4)(d) of this
 2 section.

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

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

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

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

19 **SECTION 10.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, section
 20 4, chapter 148, Oregon Laws 2017, section 6, chapter 253, Oregon Laws 2017, section 2, chapter 393,
 21 Oregon Laws 2017, section 6, chapter 504, Oregon Laws 2017, and section 4, chapter 119, Oregon
 22 Laws 2018, is amended to read:

23 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

30 (A) ORS 215.275; or

31 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
 32 469.300.

33 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
 34 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
 35 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
 36 operator does or will require the assistance of the relative in the management of the farm use and
 37 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
 38 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS
 39 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
 40 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
 41 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
 42 shall operate as a partition of the homesite to create a new parcel.

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

45 (f) Operations for the exploration for and production of geothermal resources as defined by ORS

1 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
 2 compressors, separators and other customary production equipment for an individual well adjacent
 3 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
 4 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

23 (o) Farm stands if:

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

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

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

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

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

37 (C) Has interior wiring for interior lights;

38 (D) Has a heating system; and

39 (E) In the case of replacement:

40 (i) Is removed, demolished or converted to an allowable nonresidential use within three months
 41 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of
 42 the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable
 43 siting standards. However, the standards shall not be applied in a manner that prohibits the siting
 44 of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned
 45 for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the

1 deed records for the county where the property is located a deed restriction prohibiting the siting
 2 of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless
 3 a statement of release is placed in the deed records for the county. The release shall be signed by
 4 the county or its designee and state that the provisions of this paragraph regarding replacement
 5 dwellings have changed to allow the siting of another dwelling. The county planning director or the
 6 director's designee shall maintain a record of the lots and parcels that do not qualify for the siting
 7 of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions
 8 and release statements filed under this paragraph; and

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

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

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

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

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

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

44 (A) A public right of way;

45 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-

1 jacent property owners has been obtained; or

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

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

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

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

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

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

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

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

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

28 (b) Operations conducted for:

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

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

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

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

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

45 (d) Parks and playgrounds. A public park may be established consistent with the provisions of

1 ORS 195.120.

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

10 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

40 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an
 41 existing building, in conjunction with an existing dwelling as a temporary use for the term of a
 42 hardship suffered by the existing resident or a relative of the resident. Within three months of the
 43 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-
 44 ished or, in the case of an existing building, the building shall be removed, demolished or returned
 45 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-

1 view of the hardship claimed under this paragraph. A temporary residence approved under this
2 paragraph is not eligible for replacement under subsection (1)(p) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-
45 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction

1 with the growing and marketing of nursery stock on the land that constitutes farm use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (i) Planned hours of operation;

38 (ii) Access, egress and parking;

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

41 (iv) Sanitation and solid waste.

42 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
43 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
44 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
45 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision

1 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
 2 To approve an expedited, single-event license, the governing body of a county or its designee must
 3 determine that the proposed agri-tourism or other commercial event or activity meets any local
 4 standards that apply, and the agri-tourism or other commercial event or activity:

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

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

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

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

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

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

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

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

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

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

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

23 (D) Must comply with ORS 215.296;

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

26 (F) Must comply with conditions established for:

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

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

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

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

36 (v) Sanitation and solid waste.

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

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

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

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

1 and

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

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

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

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

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

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

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

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

27