

House Bill 3086

Sponsored by Representative GOMBERG (at the request of Les Helgeson)

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) **Notwithstanding any applicable siting standard, uses less than 2,500 square feet for**
23 **its processing area.**

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

26 **SECTION 3. ORS 455.315 is amended to read:**

27 455.315. (1) **The provisions of this chapter do not authorize the application of a state structural**
28 **specialty code to any agricultural building, agricultural grading or equine facility.**

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

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

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

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

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

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

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

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

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

12 (A) A dwelling;

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

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

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

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

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

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

22 (A) Stabling or training equines; or

23 (B) Riding lessons and training clinics.

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

25 (A) A dwelling;

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

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

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

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

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

33 215.203. (1) Zoning ordinances may be adopted to zone designated areas of land within the
34 county as exclusive farm use zones. Land within such zones shall be used exclusively for farm use
35 except as otherwise provided in ORS 215.213, 215.283 or 215.284. Farm use zones shall be established
36 only when such zoning is consistent with the comprehensive plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 [(c)] (C) Managed to [*produce trees meeting*] **meet** U.S. No. 2 or better standards for Christmas

1 trees as specified by the Agriculture Marketing Services of the United States Department of Agri-
 2 culture; and

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

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

7 215.263. (1) Any proposed division of land included within an exclusive farm use zone resulting
 8 in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the
 9 governing body or its designee of the county in which the land is situated. The governing body of
 10 a county by ordinance shall require prior review and approval for divisions of land within exclusive
 11 farm use zones established within the county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (8) The governing body of a county may not approve any proposed division of a lot or parcel
 28 described in ORS 215.213 (1)(d) or (i), 215.283 (1)(d) or (2)(L) or 215.284 (1), or a proposed division
 29 that separates a [*processing*] facility **for the processing of farm products, as defined in section**
 30 **2 of this 2019 Act**, from the farm operation [*specified in ORS 215.213 (1)(u) or 215.283 (1)(r)*].

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

33 (a) As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved
 34 under ORS 215.213 (3) or 215.284 (1), (2), (3), (4) or (7); and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 308A.056. (1) As used in ORS 308A.050 to 308A.128, "farm use" means the current employment
32 of land for the primary purpose of obtaining a profit in money by:

33 (a) Raising, harvesting and selling crops.

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

36 (c) Dairying and selling dairy products.

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

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

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

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

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

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

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

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

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 paragraph (d) of
 14 this subsection, prior to maturity;

15 (d) Land not in an exclusive farm use zone that 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 farm use land and that
 20 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 farming practices, including the processing facilities allowed by [ORS 215.213 (1)(u) and 215.283
 23 (1)(r)] **section 2 of this 2019 Act** and the processing of farm crops into biofuel as commercial ac-
 24 tivities 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 when the absence of farming activity is the result
 30 of the illness of the farmer or a member of the farmer's immediate family, including injury or
 31 infirmity, regardless of whether the illness results in death;

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

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

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

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

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

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

42 (4) As used in this section:

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

1 (b) “Cultured Christmas trees” means trees:

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

4 (B) Of a marketable species;

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

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

9 (i) Basal pruning;

10 (ii) Fertilizing;

11 (iii) Insect and disease control;

12 (iv) Stump culture;

13 (v) Soil cultivation; or

14 (vi) Irrigation.

15 **SECTION 7.** ORS 215.213, as amended by section 1, chapter 119, Oregon Laws 2018, is amended
16 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) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, restoration or replacement
30 of a lawfully established dwelling.

31 (r) Farm stands if:

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

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

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

44 (t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as
45 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor

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

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

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

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

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

26 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (d) Operations conducted for:

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

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

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

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

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

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

45 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the

1 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-
2 cility may be established as a commercial utility facility as provided in ORS 215.447.

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (t) Room and board arrangements for a maximum of five unrelated persons in existing resi-

1 dences.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (4) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
 45 one single-family dwelling, not provided in conjunction with farm use, may be established in any

1 area zoned for exclusive farm use on a lot or parcel described in subsection (7) of this section that
2 is not larger than three acres upon written findings showing:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (i) Planned hours of operation;

24 (ii) Access, egress and parking;

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

27 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

1 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
 2 use permit that is personal to the applicant and is not transferred by, or transferable with, a
 3 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
 4 local standards that apply, and the agri-tourism or other commercial events or activities:

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

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

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

9 (D) Must comply with ORS 215.296;

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

12 (F) Must comply with conditions established for:

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

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

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

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

22 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

43 (a) A county may authorize the use of temporary structures established in connection with the
 44 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-
 45 tion. However, the temporary structures must be removed at the end of the agri-tourism or other

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

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

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

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

16 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
17 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

24 (A) ORS 215.275; or

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

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

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

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

41 (g) Operations for the exploration for and production of geothermal resources as defined by ORS
42 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
43 compressors, separators and other customary production equipment for an individual well adjacent
44 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
45

1 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

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

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

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

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

32 (C) Has interior wiring for interior lights;

33 (D) Has a heating system; and

34 (E) In the case of replacement:

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

1 director's designee shall maintain a record of the lots and parcels that do not qualify for the siting
2 of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions
3 and release statements filed under this paragraph; and

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

12 (r) Farm stands if:

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

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

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

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

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

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

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

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

7 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 nual income.

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

5 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (6) The notice required in subsection (5) of this section shall specify that persons have 15 days
44 following the date of postmark of the notice to file a written objection on the grounds only that the
45 dwelling or activities associated with it would force a significant change in or significantly increase

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ments; and

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

4 (i) Planned hours of operation;

5 (ii) Access, egress and parking;

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

8 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

35 (D) Must comply with ORS 215.296;

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

38 (F) Must comply with conditions established for:

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

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

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

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

3 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

41 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

44 (c) Utility facilities necessary for public service, including wetland waste treatment systems but
 45 not including commercial facilities for the purpose of generating electrical power for public use by

1 sale or transmission towers over 200 feet in height. A utility facility necessary for public service
 2 may be established as provided in:

3 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

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

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

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

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

41 (o) Farm stands if:

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

1 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
2 and

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

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

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

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

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

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

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

35 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

19 (b) Operations conducted for:

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

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

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

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

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

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

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

- 1 (f) Golf courses on land:
- 2 (A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or
- 3 (B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:
- 4 (i) Is not otherwise described in ORS 195.300 (10);
- 5 (ii) Is surrounded on all sides by an approved golf course; and
- 6 (iii) Is west of U.S. Highway 101.
- 7 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the
- 8 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-
- 9 cility may be established as a commercial utility facility as provided in ORS 215.447.
- 10 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
- 11 tenance and service facilities. A personal-use airport, as used in this section, means an airstrip re-
- 12 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional
- 13 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-
- 14 erations. No aircraft may be based on a personal-use airport other than those owned or controlled
- 15 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be
- 16 granted through waiver action by the Oregon Department of Aviation in specific instances. A
- 17 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
- 18 ject to any applicable rules of the Oregon Department of Aviation.
- 19 (i) Home occupations as provided in ORS 215.448.
- 20 (j) A facility for the primary processing of forest products, provided that such facility is found
- 21 to not seriously interfere with accepted farming practices and is compatible with farm uses de-
- 22 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is
- 23 renewable. These facilities are intended to be only portable or temporary in nature. The primary
- 24 processing of a forest product, as used in this section, means the use of a portable chipper or stud
- 25 mill or other similar methods of initial treatment of a forest product in order to enable its shipment
- 26 to market. Forest products, as used in this section, means timber grown upon a parcel of land or
- 27 contiguous land where the primary processing facility is located.
- 28 (k) A site for the disposal of solid waste approved by the governing body of a city or county or
- 29 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-
- 30 mental Quality together with equipment, facilities or buildings necessary for its operation.
- 31 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an
- 32 existing building, in conjunction with an existing dwelling as a temporary use for the term of a
- 33 hardship suffered by the existing resident or a relative of the resident. Within three months of the
- 34 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-
- 35 ished or, in the case of an existing building, the building shall be removed, demolished or returned
- 36 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-
- 37 view of the hardship claimed under this paragraph. A temporary residence approved under this
- 38 paragraph is not eligible for replacement under subsection (1)(p) of this section.
- 39 (m) Transmission towers over 200 feet in height.
- 40 (n)(A) Commercial dog boarding kennels; or
- 41 (B) Dog training classes or testing trials that cannot be established under subsection (1)(x) of
- 42 this section.
- 43 (o) Residential homes as defined in ORS 197.660, in existing dwellings.
- 44 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
- 45 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (i) Planned hours of operation;

29 (ii) Access, egress and parking;

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

32 (iv) Sanitation and solid waste.

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

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

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

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

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

45 (E) May not require or involve the construction or use of a new permanent structure in con-

1 nection with the agri-tourism or other commercial event or activity;

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

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

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

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

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

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

14 (D) Must comply with ORS 215.296;

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

17 (F) Must comply with conditions established for:

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

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

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

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

27 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

1 section.

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

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

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

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

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

22 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

29 (A) ORS 215.275; or

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

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

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

44 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
45 522.005 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 (g) 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 (h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

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

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

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

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

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

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

22 (o) Farm stands if:

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

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

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

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

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

36 (C) Has interior wiring for interior lights;

37 (D) Has a heating system; and

38 (E) In the case of replacement:

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

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

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

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

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

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

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

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

43 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

27 (b) Operations conducted for:

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

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

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

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

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

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

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

9 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

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

1 paragraph is not eligible for replacement under subsection (1)(p) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (i) Planned hours of operation;

37 (ii) Access, egress and parking;

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

40 (iv) Sanitation and solid waste.

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

1 To approve an expedited, single-event license, the governing body of a county or its designee must
 2 determine that the proposed agri-tourism or other commercial event or activity meets any local
 3 standards that apply, and the agri-tourism or other commercial event or activity:

- 4 (A) Must be incidental and subordinate to existing farm use on the tract;
- 5 (B) May not begin before 6 a.m. or end after 10 p.m.;
- 6 (C) May not involve more than 100 attendees or 50 vehicles;
- 7 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 8 (E) May not require or involve the construction or use of a new permanent structure in con-
 9 nection with the agri-tourism or other commercial event or activity;
- 10 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
 11 properties consent, in writing, to the location; and
- 12 (G) Must comply with applicable health and fire and life safety requirements.

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

- 18 (A) Must be incidental and subordinate to existing farm use on the tract;
- 19 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 20 (C) May not require that a new permanent structure be built, used or occupied in connection
 21 with the agri-tourism or other commercial events or activities;
- 22 (D) Must comply with ORS 215.296;
- 23 (E) May not, in combination with other agri-tourism or other commercial events or activities
 24 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 25 (F) Must comply with conditions established for:
 - 26 (i) The types of agri-tourism or other commercial events or activities that are authorized during
 27 each calendar year, including the number and duration of the agri-tourism or other commercial
 28 events and activities, the anticipated daily attendance and the hours of operation;
 - 29 (ii) The location of existing structures and the location of proposed temporary structures to be
 30 used in connection with the agri-tourism or other commercial events or activities;
 - 31 (iii) The location of access and egress and parking facilities to be used in connection with the
 32 agri-tourism or other commercial events or activities;
 - 33 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
 34 public roads; and
 - 35 (v) Sanitation and solid waste.

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

- 41 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
 42 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
- 43 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
- 44 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
 45 and

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

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

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

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

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

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

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

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

26
