

Senate Bill 449

Sponsored by Senator BEYER (Pre-session filed.)

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**.

Establishes standards for establishment of farm cafes on lands zoned for exclusive farm use. Requires Oregon Health Authority to review land use compatibility statement before licensing farm cafe. Authorizes authority to revoke, deny or suspend license upon certain violations of land use conditions.

A BILL FOR AN ACT

1
2 Relating to farm cafes; creating new provisions; and amending ORS 215.213 and 215.283.

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

4 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 215.**

5 **SECTION 2. (1) As used in this section, "farm cafe" means a facility operating a restau-**
6 **rant, seasonal temporary restaurant or intermittent temporary restaurant, as those terms**
7 **are defined in ORS 624.010, that prepares or serves beverages and meals for on-site public**
8 **consumption.**

9 (2) A farm cafe may be established as a permitted use under ORS 215.213 (2)(aa) and
10 215.283 (2)(cc) on land zoned for exclusive farm use provided that the farm cafe:

11 (a) Is located on a tract of at least 20 acres with at least 15 acres of the tract dedicated
12 to farm uses;

13 (b) Is located no closer than one mile from any other farm cafe;

14 (c) Is owned by the owner of the farm tract or an operator of a farm use on the farm
15 tract;

16 (d) Other than parking and outdoor seating areas, is operated substantially within one
17 or more dwellings or other buildings normally associated with farm uses that are lawfully
18 established;

19 (e) Is owned by someone who does not have a substantial ownership interest in any other
20 farm cafe;

21 (f) Has a seating area that occupies no more than 5,000 square feet;

22 (g) Is accessible directly from a state highway or a county road, as defined in ORS
23 368.001, improved with a concrete or asphalt surface;

24 (h) Prominently promotes the sale of farm products produced on the farm tract or farms
25 within the local vicinity;

26 (i) Is incidental and subordinate to the existing farm use on the tract;

27 (j) Sells food items, beverages or meals that prominently feature ingredients sourced
28 from farm products grown on the farm tract or from farms within the local vicinity; and

29 (k) Has no more than 25 parking spaces designated for farm cafe customers.

30 (3) A local government may impose standards or conditions on a permit for a farm cafe

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 that address the issues described in subsection (2) of this section and:

- 2 (a) The hours of operation;
- 3 (b) Access and parking;
- 4 (c) Traffic management;
- 5 (d) Noise management;
- 6 (e) Sanitation and solid waste; and
- 7 (f) Allowing the continuation of existing accepted farm practices on surrounding lands.

8 **SECTION 3.** Section 4 of this 2019 Act is added to and made a part of ORS 624.010 to
9 624.121.

10 **SECTION 4.** (1) As used in this section, “farm cafe” has the meaning given that term in
11 section 2 of this 2019 Act, approved on lands zoned for exclusive farm use.

12 (2) In addition to any other requirements under ORS 624.010 to 624.121, the Oregon
13 Health Authority may not issue a license to operate a farm cafe unless the authority has
14 received a land use compatibility statement from the local government with jurisdiction over
15 the farm cafe that demonstrates that the farm cafe is an authorized land use. The authority
16 shall prescribe by rule the form of the land use compatibility statement.

17 (3) A local government that receives a request for a land use compatibility statement
18 from an applicant for a farm cafe shall deliver a response no later than 21 days after re-
19 ceiving the request. The issuance of a land use compatibility statement under this section
20 is not a land use decision as defined in ORS 197.015.

21 (4) The authority may suspend, deny or revoke a farm cafe license if notified by the State
22 Department of Agriculture, Department of Land Conservation and Development or local
23 government that the farm cafe is operating in a way that is inconsistent with any condition
24 of a land use permit or section 2 of this 2019 Act. Any suspension, denial or revocation action
25 shall be taken in accordance with ORS chapter 183.

26 (5) The Oregon Health Authority may enter into an agreement with the State Depart-
27 ment of Agriculture to license and inspect farm cafes.

28 **SECTION 5.** ORS 215.213, as amended by section 1, chapter 119, Oregon Laws 2018, is amended
29 to read:

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

- 32 (a) Churches and cemeteries in conjunction with churches.
- 33 (b) The propagation or harvesting of a forest product.
- 34 (c) Utility facilities necessary for public service, including wetland waste treatment systems but
35 not including commercial facilities for the purpose of generating electrical power for public use by
36 sale or transmission towers over 200 feet in height. A utility facility necessary for public service
37 may be established as provided in:

38 (A) ORS 215.275; or

39 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
40 469.300.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (r) Farm stands if:

45 (A) The structures are designed and used for the sale of farm crops or livestock grown on the

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

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

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

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

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

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

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

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

39 (A) A public right of way;

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

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

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

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

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

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

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

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

15 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
16 the following uses may be established in any area zoned for exclusive farm use subject to ORS
17 215.296:

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

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

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

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

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

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

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

36 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval
2 of the governing body or its designee in any area zoned for exclusive farm use upon written findings
3 showing all of the following:

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

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

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

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

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

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

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

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

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

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

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

39 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
40 1948, and July 1, 1983. For the purposes of this section:

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

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

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

1 or in tenancy in common.

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

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

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

9 (10) 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 (11) 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 (12) A holder of a permit authorized by a county under subsection (11)(d) of this section must
 3 request 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 (11)(d) of this
 9 section.

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

17 (b) The county may issue the limited use permits authorized by subsection (11)(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 (11)(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 (11) 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 **SECTION 6.** ORS 215.213, as amended by section 7, chapter 462, Oregon Laws 2013, section 2,
 27 chapter 148, Oregon Laws 2017, section 4, chapter 253, Oregon Laws 2017, section 4, chapter 504,
 28 Oregon Laws 2017, and section 2, chapter 119, Oregon Laws 2018, is amended to read:

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

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

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

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

37 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (C) Has interior wiring for interior lights;

1 (D) Has a heating system; and

2 (E) In the case of replacement:

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

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

25 (r) Farm stands if:

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

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

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

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

1 aircraft” means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
2 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
3 ground.

4 (u) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
5 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
6 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
7 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
8 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
9 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
10 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
11 cable siting standards but the standards may not be applied in a manner that prohibits the siting
12 of the processing facility or establishment.

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

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

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

20 (A) A public right of way;

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

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

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

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

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

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

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

41 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
42 the following uses may be established in any area zoned for exclusive farm use subject to ORS
43 215.296:

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

1 eration or woodlot:

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

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

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

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

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

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

17 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **(aa) A farm cafe, as described in section 2 of this 2019 Act.**

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

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

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

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

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

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

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

1 specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is
2 applicable; and

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

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

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

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

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

20 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
21 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

1 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event
2 or activity meets any local standards that apply and:

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

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

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

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

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

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

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

17 (i) Planned hours of operation;

18 (ii) Access, egress and parking;

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

21 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

3 (D) Must comply with ORS 215.296;

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

6 (F) Must comply with conditions established for:

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

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

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

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

16 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

1 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
2 authorized by the permit.

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

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

9 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

16 (A) ORS 215.275; or

17 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
18 469.300.

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

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

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

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

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

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

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

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

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

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

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

9 (o) Farm stands if:

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

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

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

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

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

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

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

45 (u) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-

1 cilities or structures that end at the point where the utility service is received by the customer and
2 that are located on one or more of the following:

3 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

31 (b) Operations conducted for:

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

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

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

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

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

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

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

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

13 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 permit to sell or provide fireworks.

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

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

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

8 **(cc) A farm cafe, as described in section 2 of this 2019 Act.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (i) Planned hours of operation;

42 (ii) Access, egress and parking;

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

45 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

27 (D) Must comply with ORS 215.296;

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

30 (F) Must comply with conditions established for:

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

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

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

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

40 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

35 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

42 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (o) Farm stands if:

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

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

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

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

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

4 (C) Has interior wiring for interior lights;

5 (D) Has a heating system; and

6 (E) In the case of replacement:

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

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

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

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

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

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

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

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

11 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

39 (b) Operations conducted for:

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

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

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

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

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

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

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

21 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ban growth boundary. As used in this paragraph:

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

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

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

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

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

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

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

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

21 **(cc) A farm cafe, as described in section 2 of this 2019 Act.**

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

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

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

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

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

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

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

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

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

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

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

1 ments; and

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

4 (i) Planned hours of operation;

5 (ii) Access, egress and parking;

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

8 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

35 (D) Must comply with ORS 215.296;

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

38 (F) Must comply with conditions established for:

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

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

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

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

3 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

35 (c) The authorizations provided by subsection (4) of this section are in addition to other 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.