

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 3109**

1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” insert  
2 “215.213, 215.283.”

3 On page 2 of the printed A-engrossed bill, delete lines 7 through 13 and  
4 insert:

5 “(4)(a) A child care center is a permitted use in all areas zoned for com-  
6 mercial or industrial use, except areas specifically designated by the local  
7 government for heavy industrial use.

8 “(b) A local government may not impose land use regulations, special fees  
9 or conditions on the establishment or maintenance of a child care center in  
10 an area zoned for commercial or industrial use that are more restrictive than  
11 those imposed for other uses in the same zone.

12 “(5) Notwithstanding subsection (4) of this section, a local government  
13 may impose reasonable conditions upon the establishment or maintenance  
14 of a child care center in an area zoned for industrial uses.

15 “(6) As used in this section, ‘reasonable conditions’ includes, but is not  
16 limited to, siting restrictions for properties designated on the Department  
17 of Environmental Quality’s statewide list of contaminated properties as  
18 having known or suspected releases of hazardous substances.”

19 On page 6, after line 32, insert:

20 “**SECTION 9.** ORS 215.213 is amended to read:

21 “215.213. (1) In counties that have adopted marginal lands provisions un-

1 der ORS 197.247 (1991 Edition), the following uses may be established in any  
2 area zoned for exclusive farm use:

3 “(a) Churches and cemeteries in conjunction with churches.

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

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

10 “(A) ORS 215.275; or

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

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

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

28 “(f) Subject to ORS 215.279, primary or accessory dwellings customarily  
29 provided in conjunction with farm use. For a primary dwelling, the dwelling  
30 must be on a lot or parcel that is managed as part of a farm operation and

1 is not smaller than the minimum lot size in a farm zone with a minimum lot  
2 size acknowledged under ORS 197.251.

3 “(g) Operations for the exploration for and production of geothermal re-  
4 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,  
5 including the placement and operation of compressors, separators and other  
6 customary production equipment for an individual well adjacent to the  
7 wellhead. Any activities or construction relating to such operations shall not  
8 be a basis for an exception under ORS 197.732 (2)(a) or (b).

9 “(h) Operations for the exploration for minerals as defined by ORS  
10 517.750. Any activities or construction relating to such operations shall not  
11 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

23 “(j) Climbing and passing lanes within the right of way existing as of July  
24 1, 1987.

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

30 “(L) Temporary public road and highway detours that will be abandoned

1 and restored to original condition or use at such time as no longer needed.

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

7 “(n) A replacement dwelling to be used in conjunction with farm use if  
8 the existing dwelling has been listed in a county inventory as historic prop-  
9 erty as defined in ORS 358.480.

10 “(o) Creation, restoration or enhancement of wetlands.

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

12 “(q) Alteration, restoration or replacement of a lawfully established  
13 dwelling, as described in ORS 215.291.

14 “(r) Farm stands if:

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

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

26 “(s) An armed forces reserve center, if the center is within one-half mile  
27 of a community college. For purposes of this paragraph, ‘armed forces reserve  
28 center’ includes an armory or National Guard support facility.

29 “(t) A site for the takeoff and landing of model aircraft, including such  
30 buildings or facilities as may reasonably be necessary. Buildings or facilities

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

13 “(u) A facility for the processing of farm products as described in ORS  
14 215.255.

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

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

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

23 “(A) A public right of way;

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

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

27 “(y) Subject to the issuance of a license, permit or other approval by the  
28 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,  
29 468B.053 or 468B.055, or in compliance with rules adopted under ORS  
30 468B.095, and as provided in ORS 215.246 to 215.251, the land application of

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

10 “(z) Dog training classes or testing trials, which may be conducted out-  
11 doors or in farm buildings in existence on January 1, 2019, when:

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

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

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

19 “(bb) A farm brewery, as described in ORS 215.449.

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

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

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

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

30 “(b) A primary dwelling in conjunction with farm use or the propagation

1 or harvesting of a forest product on a lot or parcel that is managed as part  
2 of a farm operation or woodlot smaller than required under paragraph (a)  
3 of this subsection, if the lot or parcel:

4 “(A) Has produced at least \$20,000 in annual gross farm income in two  
5 consecutive calendar years out of the three calendar years before the year  
6 in which the application for the dwelling was made or is planted in peren-  
7 nials capable of producing upon harvest an average of at least \$20,000 in  
8 annual gross farm income; or

9 “(B) Is a woodlot capable of producing an average over the growth cycle  
10 of \$20,000 in gross annual income.

11 “(c) Commercial activities that are in conjunction with farm use, includ-  
12 ing the processing of farm crops into biofuel not permitted under ORS  
13 215.203 (2)(b)(K) or 215.255.

14 “(d) Operations conducted for:

15 “(A) Mining and processing of geothermal resources as defined by ORS  
16 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted  
17 under subsection (1)(g) of this section;

18 “(B) Mining, crushing or stockpiling of aggregate and other mineral and  
19 other subsurface resources subject to ORS 215.298;

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

22 “(D) Processing of other mineral resources and other subsurface re-  
23 sources.

24 “(e) Community centers owned by a governmental agency or a nonprofit  
25 community organization and operated primarily by and for residents of the  
26 local rural community, hunting and fishing preserves, public and private  
27 parks, playgrounds and campgrounds. Subject to the approval of the county  
28 governing body or its designee, a private campground may provide yurts for  
29 overnight camping. No more than one-third or a maximum of 10 campsites,  
30 whichever is smaller, may include a yurt. The yurt shall be located on the

1 ground or on a wood floor with no permanent foundation. Upon request of  
2 a county governing body, the Land Conservation and Development Commis-  
3 sion may provide by rule for an increase in the number of yurts allowed on  
4 all or a portion of the campgrounds in a county if the commission determines  
5 that the increase will comply with the standards described in ORS 215.296  
6 (1). A public park or campground may be established as provided under ORS  
7 195.120. As used in this paragraph, ‘yurt’ means a round, domed shelter of  
8 cloth or canvas on a collapsible frame with no plumbing, sewage disposal  
9 hookup or internal cooking appliance.

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

12 “(g) Commercial utility facilities for the purpose of generating power for  
13 public use by sale. If the area zoned for exclusive farm use is high-value  
14 farmland, a photovoltaic solar power generation facility may be established  
15 as a commercial utility facility as provided in ORS 215.447. A renewable  
16 energy facility as defined in ORS 215.446 may be established as a commercial  
17 utility facility.

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

30 “(i) A facility for the primary processing of forest products, provided that



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

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

14 “(k)(A) Commercial dog boarding kennels; or

15 “(B) Dog training classes or testing trials that cannot be established un-  
16 der subsection (1)(z) of this section.

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

18 “(m) The propagation, cultivation, maintenance and harvesting of aquatic  
19 species that are not under the jurisdiction of the State Fish and Wildlife  
20 Commission or insect species. Insect species shall not include any species  
21 under quarantine by the State Department of Agriculture or the United  
22 States Department of Agriculture. The county shall provide notice of all  
23 applications under this paragraph to the State Department of Agriculture.  
24 Notice shall be provided in accordance with the county’s land use regu-  
25 lations but shall be mailed at least 20 calendar days prior to any adminis-  
26 trative 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  
30 acquisition of right of way but not resulting in the creation of new land

1 parcels.

2 “(q) Reconstruction or modification of public roads and highways involv-  
3 ing the removal or displacement of buildings but not resulting in the cre-  
4 ation of new land parcels.

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

9 “(s) A destination resort that is approved consistent with the require-  
10 ments of any statewide planning goal relating to the siting of a destination  
11 resort.

12 “(t) Room and board arrangements for a maximum of five unrelated per-  
13 sons in existing residences.

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

23 “(A) ‘Living history museum’ means a facility designed to depict and in-  
24 terpret everyday life and culture of some specific historic period using au-  
25 thentic buildings, tools, equipment and people to simulate past activities and  
26 events; and

27 “(B) ‘Local historical society’ means the local historical society, recog-  
28 nized as such by the county governing body and organized under ORS chap-  
29 ter 65.

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

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

5 “(x) A landscape contracting business, as defined in ORS 671.520, or a  
6 business providing landscape architecture services, as described in ORS  
7 671.318, if the business is pursued in conjunction with the growing and  
8 marketing of nursery stock on the land that constitutes farm use.

9 “(y) Public or private schools for kindergarten through grade 12, includ-  
10 ing all buildings essential to the operation of a school, primarily for resi-  
11 dents of the rural area in which the school is located.

12 “(z) Equine and equine-affiliated therapeutic and counseling activities,  
13 provided:

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

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

19 “(aa) **Child care facilities, preschool recorded programs or school-  
20 age recorded programs that are:**

21 “(A) **Authorized under ORS 329A.250 to 329A.450;**

22 “(B) **Primarily for the children of residents and workers of the rural  
23 area in which the facility or program is located; and**

24 “(C) **Colocated with a community center or a public or private  
25 school allowed under this subsection.**

26 “(3) In counties that have adopted marginal lands provisions under ORS  
27 197.247 (1991 Edition), a single-family residential dwelling not provided in  
28 conjunction with farm use may be established on a lot or parcel with soils  
29 predominantly in capability classes IV through VIII as determined by the  
30 Agricultural Capability Classification System in use by the United States

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

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

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

13 “(c) Complies with such other conditions as the governing body or its  
14 designee considers necessary.

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

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

23 “(b) If the lot or parcel is located within the Willamette River Greenway,  
24 a floodplain or a geological hazard area, the dwelling complies with condi-  
25 tions imposed by local ordinances relating specifically to the Willamette  
26 River Greenway, floodplains or geological hazard areas, whichever is appli-  
27 cable; and

28 “(c) The dwelling complies with other conditions considered necessary by  
29 the governing body or its designee.

30 “(5) Upon receipt of an application for a permit under subsection (4) of

1 this section, the governing body shall notify:

2 “(a) Owners of land that is within 250 feet of the lot or parcel on which  
3 the dwelling will be established; and

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

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

17 “(7) Subsection (4) of this section applies to a lot or parcel lawfully cre-  
18 ated between January 1, 1948, and July 1, 1983. For the purposes of this  
19 section:

20 “(a) Only one lot or parcel exists if:

21 “(A) A lot or parcel described in this section is contiguous to one or more  
22 lots or parcels described in this section; and

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

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

29 “(8) A person who sells or otherwise transfers real property in an exclu-  
30 sive farm use zone may retain a life estate in a dwelling on that property

1 and in a tract of land under and around the dwelling.

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

4 “(10) Roads, highways and other transportation facilities and improve-  
5 ments not allowed under subsections (1) and (2) of this section may be es-  
6 tablished, subject to the approval of the governing body or its designee, in  
7 areas zoned for exclusive farm use subject to:

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

11 “(b) ORS 215.296 for those uses identified by rule of the Land Conserva-  
12 tion and Development Commission as provided in section 3, chapter 529,  
13 Oregon Laws 1993.

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

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

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

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

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

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

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

3       “(F) The agri-tourism or other commercial event or activity occurs out-  
4       doors, in temporary structures, or in existing permitted structures, subject  
5       to health and fire and life safety requirements; and

6       “(G) The agri-tourism or other commercial event or activity complies with  
7       conditions established for:

8       “(i) Planned hours of operation;

9       “(ii) Access, egress and parking;

10       “(iii) A traffic management plan that identifies the projected number of  
11       vehicles and any anticipated use of public roads; and

12       “(iv) Sanitation and solid waste.

13       “(b) In the alternative to paragraphs (a) and (c) of this subsection, a  
14       county may authorize, through an expedited, single-event license, a single  
15       agri-tourism or other commercial event or activity on a tract in a calendar  
16       year by an expedited, single-event license that is personal to the applicant  
17       and is not transferred by, or transferable with, a conveyance of the tract. A  
18       decision concerning an expedited, single-event license is not a land use de-  
19       cision, as defined in ORS 197.015. To approve an expedited, single-event li-  
20       cense, the governing body of a county or its designee must determine that  
21       the proposed agri-tourism or other commercial event or activity meets any  
22       local standards that apply, and the agri-tourism or other commercial event  
23       or activity:

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

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

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

27       “(D) May not include the artificial amplification of music or voices before  
28       8 a.m. or after 8 p.m.;

29       “(E) May not require or involve the construction or use of a new perma-  
30       nent structure in connection with the agri-tourism or other commercial event

1 or activity;

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

4 “(G) Must comply with applicable health and fire and life safety require-  
5 ments.

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

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

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

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

18 “(D) Must comply with ORS 215.296;

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

22 “(F) Must comply with conditions established for:

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

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

30 “(iii) The location of access and egress and parking facilities to be used



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

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

4 “(v) Sanitation and solid waste.

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

11 “(A) Are incidental and subordinate to existing commercial farm use of  
12 the tract and are necessary to support the commercial farm uses or the  
13 commercial agricultural enterprises in the area;

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

16 “(C) Occur on a lot or parcel that complies with the acknowledged mini-  
17 mum lot or parcel size; and

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

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

22 “(a) Provide public notice and an opportunity for public comment as part  
23 of the review process; and

24 “(b) Limit its review to events and activities authorized by the permit,  
25 conformance with conditions of approval required by the permit and the  
26 standards established by subsection (11)(d) of this section.

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

28 “(a) A county may authorize the use of temporary structures established  
29 in connection with the agri-tourism or other commercial events or activities  
30 authorized under subsection (11) of this section. However, the temporary

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

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

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

17 **“SECTION 10.** ORS 215.283 is amended to read:

18 “215.283. (1) The following uses may be established in any area zoned for  
19 exclusive farm use:

20 “(a) Churches and cemeteries in conjunction with churches.

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

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

27 “(A) ORS 215.275; or

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

30 “(d) A dwelling on real property used for farm use if the dwelling is oc-

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

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

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

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

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

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

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

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

8       “(L) A replacement dwelling to be used in conjunction with farm use if  
9 the existing dwelling has been listed in a county inventory as historic prop-  
10 erty as defined in ORS 358.480.

11       “(m) Creation, restoration or enhancement of wetlands.

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

13       “(o) Farm stands if:

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

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

25       “(p) Alteration, restoration or replacement of a lawfully established  
26 dwelling, as described in ORS 215.291.

27       “(q) A site for the takeoff and landing of model aircraft, including such  
28 buildings or facilities as may reasonably be necessary. Buildings or facilities  
29 shall not be more than 500 square feet in floor area or placed on a permanent  
30 foundation unless the building or facility preexisted the use approved under

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

11 "(r) A facility for the processing of farm products as described in ORS  
12 215.255.

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

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

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

21 "(A) A public right of way;

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

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

25 "(v) Subject to the issuance of a license, permit or other approval by the  
26 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,  
27 468B.053 or 468B.055, or in compliance with rules adopted under ORS  
28 468B.095, and as provided in ORS 215.246 to 215.251, the land application of  
29 reclaimed water, agricultural or industrial process water or biosolids, or the  
30 onsite treatment of septage prior to the land application of biosolids, for

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

8 “(w) A county law enforcement facility that lawfully existed on August  
9 20, 2002, and is used to provide rural law enforcement services primarily in  
10 rural areas, including parole and post-prison supervision, but not including  
11 a correctional facility as defined under ORS 162.135.

12 “(x) Dog training classes or testing trials, which may be conducted out-  
13 doors or in preexisting farm buildings, when:

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

17 “(B) The number of dogs participating in a testing trial does not exceed  
18 60 and the number of testing trials to be conducted on-site is limited to four  
19 or fewer trials per calendar year.

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

21 “(z) A farm brewery, as described in ORS 215.449.

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

25 “(a) Commercial activities that are in conjunction with farm use, includ-  
26 ing the processing of farm crops into biofuel not permitted under ORS  
27 215.203 (2)(b)(K) or 215.255.

28 “(b) Operations conducted for:

29 “(A) Mining and processing of geothermal resources as defined by ORS  
30 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted

1 under subsection (1)(f) of this section;

2 “(B) Mining, crushing or stockpiling of aggregate and other mineral and  
3 other subsurface resources subject to ORS 215.298;

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

6 “(D) Processing of other mineral resources and other subsurface re-  
7 sources.

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

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

23 “(e) Community centers owned by a governmental agency or a nonprofit  
24 community organization and operated primarily by and for residents of the  
25 local rural community. A community center authorized under this paragraph  
26 may provide services to veterans, including but not limited to emergency and  
27 transitional shelter, preparation and service of meals, vocational and educa-  
28 tional counseling and referral to local, state or federal agencies providing  
29 medical, mental health, disability income replacement and substance abuse  
30 services, only in a facility that is in existence on January 1, 2006. The ser-

1 vices may not include direct delivery of medical, mental health, disability  
2 income replacement or substance abuse services.

3 “(f) Golf courses on land:

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

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

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

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

10 “(iii) Is west of U.S. Highway 101.

11 “(g) Commercial utility facilities for the purpose of generating power for  
12 public use by sale. If the area zoned for exclusive farm use is high-value  
13 farmland, a photovoltaic solar power generation facility may be established  
14 as a commercial utility facility as provided in ORS 215.447. A renewable  
15 energy facility as defined in ORS 215.446 may be established as a commercial  
16 utility facility.

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

29 “(i) Home occupations as provided in ORS 215.448.

30 “(j) A facility for the primary processing of forest products, provided that



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

10 “(k) A site for the disposal of solid waste approved by the governing body  
11 of a city or county or both and for which a permit has been granted under  
12 ORS 459.245 by the Department of Environmental Quality together with  
13 equipment, facilities or buildings necessary for its operation.

14 “(L) One manufactured dwelling or recreational vehicle, or the temporary  
15 residential use of an existing building, in conjunction with an existing  
16 dwelling as a temporary use for the term of a hardship suffered by the ex-  
17 isting resident or a relative of the resident. Within three months of the end  
18 of the hardship, the manufactured dwelling or recreational vehicle shall be  
19 removed or demolished or, in the case of an existing building, the building  
20 shall be removed, demolished or returned to an allowed nonresidential use.  
21 The governing body or its designee shall provide for periodic review of the  
22 hardship claimed under this paragraph. A temporary residence approved un-  
23 der this paragraph is not eligible for replacement under subsection (1)(p) of  
24 this section.

25 “(m) Transmission towers over 200 feet in height.

26 “(n)(A) Commercial dog boarding kennels; or

27 “(B) Dog training classes or testing trials that cannot be established un-  
28 der subsection (1)(x) of this section.

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

30 “(p) The propagation, cultivation, maintenance and harvesting of aquatic

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

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

12 “(r) Reconstruction or modification of public roads and highways involv-  
13 ing the removal or displacement of buildings but not resulting in the cre-  
14 ation of new land parcels.

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

19 “(t) A destination resort that is approved consistent with the require-  
20 ments of any statewide planning goal relating to the siting of a destination  
21 resort.

22 “(u) Room and board arrangements for a maximum of five unrelated per-  
23 sons in existing residences.

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

25 “(w) Expansion of existing county fairgrounds and activities directly re-  
26 lating to county fairgrounds governed by county fair boards established  
27 pursuant to ORS 565.210.

28 “(x) A living history museum related to resource based activities owned  
29 and operated by a governmental agency or a local historical society, together  
30 with limited commercial activities and facilities that are directly related to

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

7 “(A) ‘Living history museum’ means a facility designed to depict and in-  
8 terpret everyday life and culture of some specific historic period using au-  
9 thentic buildings, tools, equipment and people to simulate past activities and  
10 events; and

11 “(B) ‘Local historical society’ means the local historical society recog-  
12 nized by the county governing body and organized under ORS chapter 65.

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

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

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

24 “(bb) Equine and equine-affiliated therapeutic and counseling activities,  
25 provided:

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

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

1 “(cc) Guest ranches in eastern Oregon, as described in ORS 215.461.

2 “(dd) **Child care facilities, preschool recorded programs or school-**  
3 **age recorded programs that are:**

4 “(A) **Authorized under ORS 329A.250 to 329A.450;**

5 “(B) **Primarily for the children of residents and workers of the rural**  
6 **area in which the facility or program is located; and**

7 “(C) **Colocated with a community center or a public or private**  
8 **school allowed under this subsection.**

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

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

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

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

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

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

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

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

3 “(D) The maximum number of motor vehicles parked at the site of the  
4 agri-tourism or other commercial event or activity does not exceed 250 ve-  
5 hicles;

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

8 “(F) The agri-tourism or other commercial event or activity occurs out-  
9 doors, in temporary structures, or in existing permitted structures, subject  
10 to health and fire and life safety requirements; and

11 “(G) The agri-tourism or other commercial event or activity complies with  
12 conditions established for:

13 “(i) Planned hours of operation;

14 “(ii) Access, egress and parking;

15 “(iii) A traffic management plan that identifies the projected number of  
16 vehicles and any anticipated use of public roads; and

17 “(iv) Sanitation and solid waste.

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

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

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

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

2 “(D) May not include the artificial amplification of music or voices before  
3 8 a.m. or after 8 p.m.;

4 “(E) May not require or involve the construction or use of a new perma-  
5 nent structure in connection with the agri-tourism or other commercial event  
6 or activity;

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

9 “(G) Must comply with applicable health and fire and life safety require-  
10 ments.

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

23 “(D) Must comply with ORS 215.296;

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

27 “(F) Must comply with conditions established for:

28 “(i) The types of agri-tourism or other commercial events or activities  
29 that are authorized during each calendar year, including the number and  
30 duration of the agri-tourism or other commercial events and activities, the

1 anticipated daily attendance and the hours of operation;

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

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

7 “(iv) Traffic management, including the projected number of vehicles and  
8 any anticipated use of public roads; and

9 “(v) Sanitation and solid waste.

10 “(d) In addition to paragraphs (a) to (c) of this subsection, a county may  
11 authorize agri-tourism or other commercial events or activities that occur  
12 more frequently or for a longer period or that do not otherwise comply with  
13 paragraphs (a) to (c) of this subsection if the agri-tourism or other commer-  
14 cial events or activities comply with any local standards that apply and the  
15 agri-tourism or other commercial events or activities:

16 “(A) Are incidental and subordinate to existing commercial farm use of  
17 the tract and are necessary to support the commercial farm uses or the  
18 commercial agricultural enterprises in the area;

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

21 “(C) Occur on a lot or parcel that complies with the acknowledged mini-  
22 mum lot or parcel size; and

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

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

27 “(a) Provide public notice and an opportunity for public comment as part  
28 of the review process; and

29 “(b) Limit its review to events and activities authorized by the permit,  
30 conformance with conditions of approval required by the permit and the

1 standards established by subsection (4)(d) of this section.

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

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

11 “(b) The county may issue the limited use permits authorized by sub-  
12 section (4)(c) of this section for two calendar years. When considering an  
13 application for renewal, the county shall ensure compliance with the pro-  
14 visions of subsection (4)(c) of this section, any local standards that apply and  
15 conditions that apply to the permit or to the agri-tourism or other commer-  
16 cial events or activities authorized by the permit.

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

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