

House Bill 3465

Sponsored by Representatives MCINTIRE, RESCHKE; Representative NELSON

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**.

Requires local government approval of project to create, enhance or restore wetlands if project would convert lands used for agricultural purposes to wetlands.

A BILL FOR AN ACT

1
2 Relating to wetlands projects on land zoned for agricultural uses; creating new provisions; and
3 amending ORS 215.213 and 215.283 and section 4, chapter 84, Oregon Laws 2016.

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

5 **SECTION 1. (1) Except as provided in this section, the creation, restoration or enhance-**
6 **ment of wetlands may not be established as a permitted use on land zoned for exclusive farm**
7 **use under ORS 215.213 (1)(o) and 215.283 (1)(m) or on land zoned for mixed farm and forest**
8 **use if the creation, restoration or enhancement project would convert lands that are cur-**
9 **rently used for agricultural purposes to wetlands.**

10 **(2) Before approving a project described in subsection (1) of this section, a local govern-**
11 **ment must find that the project:**

12 **(a) Will not have an adverse impact on neighboring properties;**

13 **(b) Will not have an adverse impact on water quality;**

14 **(c) Is intended to control insects, rodents and weeds; and**

15 **(d) Will not require an amount of water that exceeds the amount to which the applicant**
16 **is lawfully entitled.**

17 **(3) A local government shall require a project described in subsection (1) of this section**
18 **to satisfy the following conditions:**

19 **(a) The applicant must conduct monitoring of water levels, water use, water temperature**
20 **and nutrient levels within the wetland;**

21 **(b) The applicant must submit a report to the county and the Department of State Lands**
22 **annually for a period of no less than five years;**

23 **(c) The applicant must agree to restore the wetland to a condition that is suitable for**
24 **agricultural purposes if the project or plan for which a permit or approval was sought does**
25 **not fulfill the objectives of the project within three years of completion; and**

26 **(d) The applicant must submit to the department for approval a plan to restore the**
27 **wetland to agricultural land, as described in paragraph (c) of this subsection, and receive**
28 **approval for the plan.**

29 **SECTION 2. Section 3 of this 2023 Act is added to and made a part of ORS 196.600 to**
30 **196.921.**

31 **SECTION 3. (1) The Department of State Lands shall approve a plan for the restoration**

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 **of agricultural lands converted to a wetland under section 1 of this 2023 Act if the depart-**
 2 **ment determines that the plan:**

3 (a) **Is technically feasible;**

4 (b) **Is consistent with the protection, conservation and best use of the water resources**
 5 **of this state as specified in ORS 196.600 to 196.921; and**

6 (c) **Would not unreasonably interfere with the paramount policy of this state to preserve**
 7 **the use of its waters for navigation, fishing and public recreation.**

8 (2) **The department shall make reports submitted to the department under section 1 of**
 9 **this 2023 Act available to the public on its website.**

10 **SECTION 4.** ORS 215.213 is amended to read:

11 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
 12 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

19 (A) ORS 215.275; or

20 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
 21 469.300.

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

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

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

37 (g) Operations for the exploration for and production of geothermal resources as defined by ORS
 38 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
 39 compressors, separators and other customary production equipment for an individual well adjacent
 40 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
 41 an exception under ORS 197.732 (2)(a) or (b).

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

45 (i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an

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

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

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

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

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

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

21 (o) Creation, restoration or enhancement of wetlands, **except as provided in section 1 of this**
 22 **2023 Act.**

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

24 (q) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS
 25 215.291.

26 (r) Farm stands if:

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

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

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

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

1 operator’s cost to maintain the property, buildings and facilities. As used in this paragraph, “model
 2 aircraft” means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
 3 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
 4 ground.

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

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

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

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

13 (A) A public right of way;

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

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

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

27 (z) Dog training classes or testing trials, which may be conducted outdoors or in farm buildings
 28 in existence on January 1, 2019, when:

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

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

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

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

35 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
 36 the following uses may be established in any area zoned for exclusive farm use subject to ORS
 37 215.296:

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

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

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

45 (b) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest

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

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

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

9 (c) Commercial activities that are in conjunction with farm use, including the processing of farm
 10 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

11 (d) Operations conducted for:

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

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

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

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

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

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

32 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the
 33 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-
 34 cility may be established as a commercial utility facility as provided in ORS 215.447. A renewable
 35 energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

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

45 (i) A facility for the primary processing of forest products, provided that such facility is found

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (B) "Local historical society" means the local historical society, recognized as such by the

1 county governing body and organized under ORS chapter 65.

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

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

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

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

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

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

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

17 (aa) Child care facilities, preschool recorded programs or school-age recorded programs that are:

18 (A) Authorized under ORS 329A.250 to 329A.450;

19 (B) Primarily for the children of residents and workers of the rural area in which the facility
20 or program is located; and

21 (C) Colocated with a community center or a public or private school allowed under this sub-
22 section.

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 5.** ORS 215.283 is amended to read:

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

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

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

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

15 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

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

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

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

6 (m) Creation, restoration or enhancement of wetlands, **except as provided in section 1 of this**
 7 **2023 Act.**

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) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS
 20 215.291.

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 products as described in ORS 215.255.

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

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

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

40 (A) A public right of way;

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

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

44 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
 45 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with

1 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
2 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of
3 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-
4 duction, or for irrigation in 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 to the land application
6 of biosolids is limited to treatment using treatment facilities that are portable, temporary and
7 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land
8 application of biosolids is authorized under the license, permit or other approval.

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

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

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

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

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

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

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

22 (a) Commercial activities that are in conjunction with farm use, including the processing of farm
23 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

24 (b) Operations conducted for:

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

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

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

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

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

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

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. A community center au-
45 thorized under this paragraph may provide services to veterans, including but not limited to emer-

1 gency and transitional shelter, preparation and service of meals, vocational and educational
2 counseling and referral to local, state or federal agencies providing medical, mental health, disability
3 income replacement and substance abuse services, only in a facility that is in existence on January
4 1, 2006. The services may not include direct delivery of medical, mental health, disability income
5 replacement or substance abuse services.

6 (f) Golf courses on land:

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

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

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

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

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

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. A renewable
15 energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

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

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

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

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

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

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

- 1 (n)(A) Commercial dog boarding kennels; or
 2 (B) Dog training classes or testing trials that cannot be established under subsection (1)(x) of
 3 this section.
- 4 (o) Residential homes as defined in ORS 197.660, in existing dwellings.
- 5 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
 6 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
 7 shall not include any species under quarantine by the State Department of Agriculture or the United
 8 States Department of Agriculture. The county shall provide notice of all applications under this
 9 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the
 10 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
 11 tive decision or initial public hearing on the application.
- 12 (q) Construction of additional passing and travel lanes requiring the acquisition of right of way
 13 but not resulting in the creation of new land parcels.
- 14 (r) Reconstruction or modification of public roads and highways involving the removal or dis-
 15 placement of buildings but not resulting in the creation of new land parcels.
- 16 (s) Improvement of public road and highway related facilities, such as maintenance yards, weigh
 17 stations and rest areas, where additional property or right of way is required but not resulting in
 18 the creation of new land parcels.
- 19 (t) A destination resort that is approved consistent with the requirements of any statewide
 20 planning goal relating to the siting of a destination resort.
- 21 (u) Room and board arrangements for a maximum of five unrelated persons in existing resi-
 22 dences.
- 23 (v) Operations for the extraction and bottling of water.
- 24 (w) Expansion of existing county fairgrounds and activities directly relating to county
 25 fairgrounds governed by county fair boards established pursuant to ORS 565.210.
- 26 (x) A living history museum related to resource based activities owned and operated by a gov-
 27 ernmental agency or a local historical society, together with limited commercial activities and fa-
 28 cilities that are directly related to the use and enjoyment of the museum and located within
 29 authentic buildings of the depicted historic period or the museum administration building, if areas
 30 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
 31 the museum administration buildings and parking lot are located within one quarter mile of an ur-
 32 ban growth boundary. As used in this paragraph:
- 33 (A) "Living history museum" means a facility designed to depict and interpret everyday life and
 34 culture of some specific historic period using authentic buildings, tools, equipment and people to
 35 simulate past activities and events; and
- 36 (B) "Local historical society" means the local historical society recognized by the county gov-
 37 erning body and organized under ORS chapter 65.
- 38 (y) An aerial fireworks display business that has been in continuous operation at its current
 39 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's
 40 permit to sell or provide fireworks.
- 41 (z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-
 42 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction
 43 with the growing and marketing of nursery stock on the land that constitutes farm use.
- 44 (aa) Public or private schools for kindergarten through grade 12, including all buildings essential
 45 to the operation of a school, primarily for residents of the rural area in which the school is located.

- 1 (bb) Equine and equine-affiliated therapeutic and counseling activities, provided:
- 2 (A) The activities are conducted in existing buildings that were lawfully constructed on the
- 3 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate
- 4 to the farm use on the tract; and
- 5 (B) All individuals conducting therapeutic or counseling activities are acting within the proper
- 6 scope of any licenses required by the state.
- 7 (cc) Guest ranches in eastern Oregon, as described in ORS 215.461.
- 8 (dd) Child care facilities, preschool recorded programs or school-age recorded programs that are:
- 9 (A) Authorized under ORS 329A.250 to 329A.450;
- 10 (B) Primarily for the children of residents and workers of the rural area in which the facility
- 11 or program is located; and
- 12 (C) Colocated with a community center or a public or private school allowed under this sub-
- 13 section.
- 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 6.** Section 4, chapter 84, Oregon Laws 2016, is amended to read:

32 **Sec. 4.** (1)(a) Notwithstanding ORS 215.283 (1)(m), the governing body of Tillamook County may,
 33 by ordinance or regulation, adopt a pilot program for reviewing, subject to ORS 215.296, the cre-
 34 ation, restoration or enhancement of wetlands in any area zoned for exclusive farm use.

35 **(b) The requirements of section 1 of this 2023 Act do not apply to the creation, restora-**
 36 **tion or enhancement of wetlands pursuant to a pilot program authorized by this section.**

37 (2) Notwithstanding ORS 215.296 (10), ordinances or regulations adopted by the governing body
 38 under the pilot program may not establish standards in addition to the standards described in ORS
 39 215.296 (1) for approving the creation, restoration or enhancement of wetlands in areas zoned for
 40 exclusive farm use.

41 (3) Notwithstanding any contrary provision of ORS 215.416, the ordinances or regulations
 42 adopted as part of the pilot program shall provide for a mechanism by which, upon request by the
 43 applicant and prior to the approval or denial of a permit under the procedures required by ORS
 44 215.402 to 215.438, the following parties may enter into a project-specific collaborative process for
 45 settling disputes concerning the application:

- 1 (a) The applicant;
 - 2 (b) Any person whose use of the person's property may be adversely affected by the proposed
3 use;
 - 4 (c) Any person who is entitled to notice under ORS 215.416 (11)(c);
 - 5 (d) Representatives of any state or federal agency that is involved in the project for which the
6 application for the use was submitted or that has expertise related to issues raised by the applica-
7 tion or by comments received by the governing body; and
 - 8 (e) For the purpose of assisting in the project-specific collaborative process, any person with
9 technical expertise in:
 - 10 (A) Creating, restoring or enhancing wetlands in Tillamook County;
 - 11 (B) Creating, restoring or enhancing wetlands in areas with site characteristics similar to those
12 identified in the application for the use; or
 - 13 (C) The impacts of wetlands on agricultural operations.
 - 14 (4) If an applicant requests to enter into a project-specific collaborative process adopted under
15 subsection (3) of this section, the periods set forth in ORS 215.427 (1) and (5) for the governing body
16 of a county or its designee to take final action on the application shall be extended in the manner
17 provided for in ORS 215.427 (10).
 - 18 (5) If the parties to a project-specific collaborative process requested under subsection (3) of this
19 section agree to conditions that, if imposed on the proposed use, would satisfy the standards for
20 approval set forth in ORS 215.296 (1) in a manner that is acceptable to all parties, an approval of
21 the application for the permit shall include the conditions agreed to by the parties.
 - 22 (6) The governing body shall discontinue a project-specific collaborative process requested under
23 subsection (3) of this section if, at any time during the process, the applicant requests that the
24 governing body resume processing the permit application under the procedures required by ORS
25 215.402 to 215.438.
 - 26
-