

D R A F T

SUMMARY

Amends definitions of “outdoor mass gathering” for purposes of land use and public health laws. Requires counties to consider outdoor mass gathering as land use decision only if gathering involves more than 3,000 individuals or is agri-tourism on lands zoned for exclusive farm use.

Requires applying only clear and objective standards to permit review for agri-tourism gatherings of 500 individuals or less.

Requires counties to review public health impacts of outdoor mass gathering of more than 500 individuals. Allows county to consolidate mass gathering review with land use decision. Makes approval of consolidated permit subject to appeal only to Land Use Board of Appeals. Allows county to charge larger fee for approval of larger outdoor mass gathering.

A BILL FOR AN ACT

1
2 Relating to mass gatherings; creating new provisions; and amending ORS
3 197.015, 215.213, 215.283, 433.735, 433.750, 433.755, 433.760, 433.763 and
4 433.767.

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

6 **SECTION 1. Section 2 of this 2019 Act is added to and made a part**
7 **of ORS chapter 197.**

8 **SECTION 2. (1) As used in this section:**

9 (a) **“Agri-tourism event” means an agri-tourism or other commer-**
10 **cial event as defined in ORS 215.451 or described in ORS 215.213 (11) to**
11 **(13) or 215.283 (4) to (6), provided the event is held on land zoned for**
12 **exclusive farm use.**

13 (b) **“Outdoor mass gathering” means an assembly of people that**
14 **largely takes place in open spaces.**

15 **(2) A local government’s approval of an outdoor mass gathering is**

1 a land use decision if:

2 (a) The gathering reasonably anticipates the attendance of more
3 than 3,000 individuals within any period of 72 hours or less during the
4 gathering; or

5 (b) The gathering constitutes an agri-tourism event.

6 (3) A local government may approve an outdoor mass gathering
7 described in subsection (2)(a) of this section only if the gathering:

8 (a) Is compatible with existing land uses;

9 (b) Does not materially alter the stability of the overall land use
10 pattern of the area;

11 (c) Complies with all applicable criteria required of an outdoor mass
12 gathering under ORS 433.735 to 433.770; and

13 (d) Complies with applicable land use regulations and statewide land
14 use planning goals.

15 (4) Notwithstanding any provision of ORS chapter 215 applicable to
16 agri-tourism events, a county's review of a permit for an outdoor mass
17 gathering that constitutes an agri-tourism event with a reasonably
18 anticipated attendance of no more than 500 individuals in any period
19 of 72 hours or less during the gathering may apply only clear and ob-
20 jective standards.

21 (5) Notwithstanding ORS 197.825, the Land Use Board of Appeals has
22 jurisdiction to interpret and apply the provisions of ORS 433.735 to
23 433.770 and the applicable regulations of the Oregon Health Authority
24 in reviewing a decision under ORS 433.763 (3) or this section.

25 **SECTION 3.** ORS 433.763 is amended to read:

26 433.763. (1) [*Any*] A county shall approve an outdoor mass gathering
27 [*of more than 3,000 persons which continues or can reasonably be expected to*
28 *continue for more than 120 hours within any three-month period and any part*
29 *of which is held in open spaces shall be allowed by a county planning com-*
30 *mission*] if all of the following occur:

31 (a) The organizer [*makes application*] **applies** for a permit to the county

1 planning commission.

2 (b) The applicant demonstrates [*to the county planning commission*] that
3 the applicant has complied or can comply with the requirements for an out-
4 door mass gathering permit set out in ORS 433.750 **and 433.755**.

5 [*(c) The county planning commission shall make findings that:*]

6 [(A)] (c) **Except as provided in subsection (3) of this section**, any
7 permits required by the applicable land use regulations [*have been*] **are**
8 granted[; *and*].

9 [(B) *The proposed gathering:*]

10 [(i) *Is compatible with existing land uses; and*]

11 [(ii) *Does not materially alter the stability of the overall land use pattern*
12 *of the area.*]

13 [(2) *The provisions of ORS 433.755 apply to any gatherings reviewed or*
14 *approved under this section.*]

15 [(3)] (2) **A hearings officer, county planning commission or other**
16 **person or body that the county designates may approve or deny an**
17 **application for a permit under this section.** A decision granting or de-
18 nying a permit under this section may be appealed to the county governing
19 body as provided in ORS 215.402 to 215.438.

20 [(4) *If a county has not created a planning commission as provided in ORS*
21 *215.030, the county governing body, or such other person as the governing body*
22 *designates shall receive the application and make the findings and decision*
23 *required by this section.*]

24 (3) **If the approval of a outdoor mass gathering requires a land use**
25 **decision not previously granted, including a decision described in sec-**
26 **tion 2 of this 2019 Act, the county may consolidate that decision with**
27 **the review of the permit application in subsection (1) of this section.**
28 **Any approval of a consolidated permit is a land use decision and may**
29 **be appealed only to the Land Use Board of Appeals under ORS 197.830**
30 **to 197.855.**

31 **SECTION 4.** ORS 433.735 is amended to read:

1 433.735. As used in ORS 433.735 to 433.770 and 433.990 (7):

2 **(1) “Organizer” includes any person who holds, stages or sponsors**
3 **an outdoor mass gathering and the owner, lessee or possessor of the**
4 **real property upon which the outdoor mass gathering is to take place.**

5 [(1)] **(2) “Outdoor mass gathering[,]** [*unless otherwise defined by county*
6 *ordinance,*] means an actual or reasonably anticipated assembly of more than
7 **500 individuals** [*3,000 persons which continues or can reasonably be expected*
8 *to continue for more than 24 consecutive hours but less than 120 hours within*
9 *any three-month period and which is held primarily]* **within any period of**
10 **72 hours or less during the gathering, that largely takes place** in open
11 spaces [*and not in any permanent structure*].

12 [(2) “Organizer” includes any person who holds, stages or sponsors an
13 outdoor mass gathering and the owner, lessee or possessor of the real property
14 upon which the outdoor mass gathering is to take place.]

15 (3) “Permanent structure” includes a stadium, an arena, an auditorium,
16 a coliseum, a fairgrounds or other similar established places for assemblies.

17 (4) “Temporary structure” includes tents, trailers, chemical toilet facili-
18 ties and other structures customarily erected or sited for temporary use.

19 **SECTION 5.** ORS 433.750 is amended to read:

20 433.750. (1) The [*governing body of a*] county in which an outdoor mass
21 gathering is to take place shall issue a permit upon application [*when*] **if** the
22 organizer demonstrates compliance with or the ability to comply with the
23 health and safety rules governing outdoor mass gatherings to be regulated
24 according to the anticipated crowd and adopted by the Oregon Health Au-
25 thority. The application [*shall*] **must** include all of the following:

26 (a) Name and address of the applicant.

27 (b) Legal description of the place of the proposed gathering.

28 (c) Date of the proposed gathering.

29 (d) Estimated attendance at the proposed gathering.

30 (e) Nature of the proposed gathering.

31 (f) Such other appropriate information as the county [*governing body*] may

1 require in order to [*insure*] **ensure** compliance with rules of the authority.

2 (2) Notice of the application [*shall*] **must** be sent by the county [*govern-*
3 *ing body*] to the county sheriff or county chief law enforcement officer, the
4 local health officer and the chief of the fire district in which the gathering
5 is to be held.

6 (3) Each officer receiving notice of the application under subsection (2)
7 of this section [*who wishes to comment on the application shall submit such*]
8 **may** comment in writing to the county [*governing body*] not later than the
9 hearing date. The comment may include recommendations related to the of-
10 ficial functions of the officer as to granting the permit and any recommended
11 conditions that should be imposed.

12 (4) The county [*governing body*] shall hold a public hearing on the issue
13 of compliance with this section. Notice of the time and place of [*such*] **the**
14 hearing including a general explanation of the matter to be considered
15 [*shall*] **must** be published at least 10 calendar days before the hearing in a
16 newspaper of general circulation in the county or, if there is none, it
17 [*shall*] **must** be posted in at least three public places in the county.

18 (5) [*Any*] **Except as provided in ORS 433.763, a** decision of a county
19 [*governing body*] on an application for a permit to hold an outdoor mass
20 gathering may be appealed to a circuit court for the county as provided in
21 ORS 34.020 to 34.100.

22 (6) A county [*governing body*] may charge permit applicants a fee rea-
23 sonably calculated to reimburse the county for its reasonable and necessary
24 costs in receiving, processing and reviewing applications for permits to hold
25 outdoor mass gatherings. However, a fee authorized by this subsection
26 [*shall*] **may not exceed the greater of \$5,000 or \$2 per anticipated at-**
27 **tendee of the gathering** [*and shall not be charged when the governing body*
28 *finds, by a preponderance of the evidence presented to the governing body, that*
29 *the applicant is unable to reimburse the governing body*].

30 **SECTION 6.** ORS 433.755 is amended to read:

31 433.755. (1) In reviewing an application for a permit to hold an outdoor

1 mass gathering, the county [*governing body*] may require [*such*] **the** plans,
 2 specifications and reports [*as*] it [*may deem*] **deems** necessary for proper re-
 3 view, and it may request and shall receive from all public officers, depart-
 4 ments and agencies of the state and its political subdivisions [*such*] **the**
 5 cooperation and assistance [*as*] it [*may deem*] **deems** necessary. If the county
 6 [*governing body*] determines upon examination of the permit application that
 7 the outdoor mass gathering creates a potential for injury to persons or
 8 property, the county [*governing body*] may require organizers to obtain an
 9 insurance policy in an amount commensurate with the risk, but not exceed-
 10 ing \$1 million. The policy of casualty insurance shall provide coverage
 11 against liability for death, injury or disability of any human or for damage
 12 to property arising out of the outdoor mass gathering. The county shall be
 13 named as an additional insured under the policy.

14 (2) In the event of failure to remove all debris or residue and repair any
 15 damage to personal or real property arising out of the outdoor mass gather-
 16 ing within 72 hours after its termination and to remove any temporary
 17 structures used at the outdoor mass gathering within three weeks after its
 18 termination, the county [*governing body*] may file suit against the organizer
 19 for financial settlement as is needed to remove debris, residue or temporary
 20 structures and to repair [*such*] damage to real or personal property of per-
 21 sons not attending the outdoor mass gathering. The organizer shall be wholly
 22 responsible for payment of any fines imposed under ORS 433.990 (7).

23 **SECTION 7.** ORS 433.760 is amended to read:

24 433.760. (1) [*Notwithstanding any other provisions of law,*] The Oregon
 25 Health Authority shall[, *in accordance with the provisions of ORS chapter*
 26 *183,*] make rules [*regulated*] **with respect to health and safety** according
 27 to anticipated [*crowds*] **crowd size at outdoor mass gatherings,** [*with re-*
 28 *spect to health and safety at outdoor mass gatherings which*] **that** provide for:

- 29 [(1)] (a) Adequate water supply, drainage and sewerage facilities;
 30 [(2)] (b) Adequate toilet facilities;
 31 [(3)] (c) Adequate refuse storage and disposal facilities;

- 1 ~~[(4)]~~ (d) Adequate food and sanitary food service, if supplied;
2 ~~[(5)]~~ (e) Adequate emergency medical facilities and communication sys-
3 tems;
4 ~~[(6)]~~ (f) Adequate fire protection; and
5 ~~[(7)]~~ (g) Adequate security personnel and traffic control.

6 **(2) For outdoor mass gatherings that require a land use decision**
7 **described in section 2 (2) of this 2019 Act, the authority shall develop**
8 **rules under this section in consultation with the Land Conservation**
9 **and Development Commission.**

10 SECTION 8. ORS 433.767 is amended to read:

11 433.767. ORS 433.735 to 433.770 and 433.990 (7) apply to outdoor mass
12 gatherings defined by county ordinance as well as to those defined by ORS
13 433.735 ~~[(1)]~~.

14 SECTION 9. ORS 197.015 is amended to read:

15 197.015. As used in ORS chapters 195, 196 and 197 and ORS 197A.300 to
16 197A.325, unless the context requires otherwise:

17 (1) “Acknowledgment” means a commission order that certifies that a
18 comprehensive plan and land use regulations, land use regulation or plan or
19 regulation amendment complies with the goals or certifies that Metro land
20 use planning goals and objectives, Metro regional framework plan, amend-
21 ments to Metro planning goals and objectives or amendments to the Metro
22 regional framework plan comply with the goals.

23 (2) “Board” means the Land Use Board of Appeals.

24 (3) “Carport” means a stationary structure consisting of a roof with its
25 supports and not more than one wall, or storage cabinet substituting for a
26 wall, and used for sheltering a motor vehicle.

27 (4) “Commission” means the Land Conservation and Development Com-
28 mission.

29 (5) “Comprehensive plan” means a generalized, coordinated land use map
30 and policy statement of the governing body of a local government that
31 interrelates all functional and natural systems and activities relating to the

1 use of lands, including but not limited to sewer and water systems, trans-
2 portation systems, educational facilities, recreational facilities, and natural
3 resources and air and water quality management programs.
4 “Comprehensive” means all-inclusive, both in terms of the geographic area
5 covered and functional and natural activities and systems occurring in the
6 area covered by the plan. “General nature” means a summary of policies and
7 proposals in broad categories and does not necessarily indicate specific lo-
8 cations of any area, activity or use. A plan is “coordinated” when the needs
9 of all levels of governments, semipublic and private agencies and the citizens
10 of Oregon have been considered and accommodated as much as possible.
11 “Land” includes water, both surface and subsurface, and the air.

12 (6) “Department” means the Department of Land Conservation and De-
13 velopment.

14 (7) “Director” means the Director of the Department of Land Conserva-
15 tion and Development.

16 (8) “Goals” means the mandatory statewide land use planning standards
17 adopted by the commission pursuant to ORS chapters 195, 196 and 197.

18 (9) “Guidelines” means suggested approaches designed to aid cities and
19 counties in preparation, adoption and implementation of comprehensive plans
20 in compliance with goals and to aid state agencies and special districts in
21 the preparation, adoption and implementation of plans, programs and regu-
22 lations in compliance with goals. Guidelines shall be advisory and shall not
23 limit state agencies, cities, counties and special districts to a single ap-
24 proach.

25 (10) “Land use decision”:

26 (a) Includes:

27 (A) A final decision or determination made by a local government or
28 special district that concerns the adoption, amendment or application of:

29 (i) The goals;

30 (ii) A comprehensive plan provision;

31 (iii) A land use regulation; or

1 (iv) A new land use regulation;

2 (B) A final decision or determination of a state agency other than the
3 commission with respect to which the agency is required to apply the goals;
4 or

5 (C) A decision of a county [*planning commission*] made under ORS 433.763
6 **(3) or section 2 of this 2019 Act;**

7 (b) Does not include a decision of a local government:

8 (A) That is made under land use standards that do not require interpre-
9 tation or the exercise of policy or legal judgment;

10 (B) That approves or denies a building permit issued under clear and ob-
11 jective land use standards;

12 (C) That is a limited land use decision;

13 (D) That determines final engineering design, construction, operation,
14 maintenance, repair or preservation of a transportation facility that is oth-
15 erwise authorized by and consistent with the comprehensive plan and land
16 use regulations;

17 (E) That is an expedited land division as described in ORS 197.360;

18 (F) That approves, pursuant to ORS 480.450 (7), the siting, installation,
19 maintenance or removal of a liquefied petroleum gas container or receptacle
20 regulated exclusively by the State Fire Marshal under ORS 480.410 to
21 480.460;

22 (G) That approves or denies approval of a final subdivision or partition
23 plat or that determines whether a final subdivision or partition plat sub-
24 stantially conforms to the tentative subdivision or partition plan; [*or*]

25 (H) That a proposed state agency action subject to ORS 197.180 (1) is
26 compatible with the acknowledged comprehensive plan and land use regu-
27 lations implementing the plan, if:

28 (i) The local government has already made a land use decision authorizing
29 a use or activity that encompasses the proposed state agency action;

30 (ii) The use or activity that would be authorized, funded or undertaken
31 by the proposed state agency action is allowed without review under the

1 acknowledged comprehensive plan and land use regulations implementing the
2 plan; or

3 (iii) The use or activity that would be authorized, funded or undertaken
4 by the proposed state agency action requires a future land use review under
5 the acknowledged comprehensive plan and land use regulations implementing
6 the plan; or

7 **(I) That relates to a permit for an outdoor mass gathering, except**
8 **as provided by ORS 433.763 (3) or section 2 of this 2019 Act; and**

9 (c) Does not include:

10 **(A)** A decision by a school district to close a school;

11 *[(d) Does not include, except as provided in ORS 215.213 (13)(c) or 215.283*
12 *(6)(c), authorization of an outdoor mass gathering as defined in ORS 433.735,*
13 *or other gathering of fewer than 3,000 persons that is not anticipated to con-*
14 *tinue for more than 120 hours in any three-month period; and]*

15 *[(e) Does not include:]*

16 *[(A)]* **(B)** A writ of mandamus issued by a circuit court in accordance with
17 ORS 215.429 or 227.179;

18 *[(B)]* **(C)** Any local decision or action taken on an application subject to
19 ORS 215.427 or 227.178 after a petition for a writ of mandamus has been filed
20 under ORS 215.429 or 227.179; or

21 *[(C)]* **(D)** A state agency action subject to ORS 197.180 (1), if:

22 (i) The local government with land use jurisdiction over a use or activity
23 that would be authorized, funded or undertaken by the state agency as a
24 result of the state agency action has already made a land use decision ap-
25 proving the use or activity; or

26 (ii) A use or activity that would be authorized, funded or undertaken by
27 the state agency as a result of the state agency action is allowed without
28 review under the acknowledged comprehensive plan and land use regulations
29 implementing the plan.

30 (11) “Land use regulation” means any local government zoning ordinance,
31 land division ordinance adopted under ORS 92.044 or 92.046 or similar gen-

1 eral ordinance establishing standards for implementing a comprehensive
2 plan.

3 (12) “Limited land use decision”:

4 (a) Means a final decision or determination made by a local government
5 pertaining to a site within an urban growth boundary that concerns:

6 (A) The approval or denial of a tentative subdivision or partition plan,
7 as described in ORS 92.040 (1).

8 (B) The approval or denial of an application based on discretionary stan-
9 dards designed to regulate the physical characteristics of a use permitted
10 outright, including but not limited to site review and design review.

11 (b) Does not mean a final decision made by a local government pertaining
12 to a site within an urban growth boundary that concerns approval or denial
13 of a final subdivision or partition plat or that determines whether a final
14 subdivision or partition plat substantially conforms to the tentative subdi-
15 vision or partition plan.

16 (13) “Local government” means any city, county or metropolitan service
17 district formed under ORS chapter 268 or an association of local governments
18 performing land use planning functions under ORS 195.025.

19 (14) “Metro” means a metropolitan service district organized under ORS
20 chapter 268.

21 (15) “Metro planning goals and objectives” means the land use goals and
22 objectives that a metropolitan service district may adopt under ORS 268.380
23 (1)(a). The goals and objectives do not constitute a comprehensive plan.

24 (16) “Metro regional framework plan” means the regional framework plan
25 required by the 1992 Metro Charter or its separate components. Neither the
26 regional framework plan nor its individual components constitute a compre-
27 hensive plan.

28 (17) “New land use regulation” means a land use regulation other than
29 an amendment to an acknowledged land use regulation adopted by a local
30 government that already has a comprehensive plan and land regulations ac-
31 knowledged under ORS 197.251.

1 (18) "Person" means any individual, partnership, corporation, association,
2 governmental subdivision or agency or public or private organization of any
3 kind. The Land Conservation and Development Commission or its designee
4 is considered a person for purposes of appeal under ORS chapters 195 and
5 197.

6 (19) "Special district" means any unit of local government, other than a
7 city, county, metropolitan service district formed under ORS chapter 268 or
8 an association of local governments performing land use planning functions
9 under ORS 195.025, authorized and regulated by statute and includes but is
10 not limited to water control districts, domestic water associations and water
11 cooperatives, irrigation districts, port districts, regional air quality control
12 authorities, fire districts, school districts, hospital districts, mass transit
13 districts and sanitary districts.

14 (20) "Urban unincorporated community" means an area designated in a
15 county's acknowledged comprehensive plan as an urban unincorporated
16 community after December 5, 1994.

17 (21) "Voluntary association of local governments" means a regional
18 planning agency in this state officially designated by the Governor pursuant
19 to the federal Office of Management and Budget Circular A-95 as a regional
20 clearinghouse.

21 (22) "Wetlands" means those areas that are inundated or saturated by
22 surface or ground water at a frequency and duration that are sufficient to
23 support, and that under normal circumstances do support, a prevalence of
24 vegetation typically adapted for life in saturated soil conditions.

25 **SECTION 10.** ORS 215.213, as amended by section 1, chapter 119, Oregon
26 Laws 2018, is amended to read:

27 215.213. (1) In counties that have adopted marginal lands provisions under
28 ORS 197.247 (1991 Edition), the following uses may be established in any area
29 zoned for exclusive farm use:

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

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

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

6 (A) ORS 215.275; or

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

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

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

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

29 (g) Operations for the exploration for and production of geothermal re-
30 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,
31 including the placement and operation of compressors, separators and other

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

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

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

18 (j) Climbing and passing lanes within the right of way existing as of July
19 1, 1987.

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

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

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

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

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

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

6 (q) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, res-
7 toration or replacement of a lawfully established dwelling.

8 (r) Farm stands if:

9 (A) The structures are designed and used for the sale of farm crops or
10 livestock grown on the farm operation, or grown on the farm operation and
11 other farm operations in the local agricultural area, including the sale of
12 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
14 items and fees from promotional activity do not make up more than 25 per-
15 cent of the total annual sales of the farm stand; and

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

20 (s) An armed forces reserve center, if the center is within one-half mile
21 of a community college. For purposes of this paragraph, “armed forces re-
22 serve center” includes an armory or National Guard support facility.

23 (t) A site for the takeoff and landing of model aircraft, including such
24 buildings or facilities as may reasonably be necessary. Buildings or facilities
25 shall not be more than 500 square feet in floor area or placed on a permanent
26 foundation unless the building or facility preexisted the use approved under
27 this paragraph. The site shall not include an aggregate surface or hard sur-
28 face area unless the surface preexisted the use approved under this para-
29 graph. An owner of property used for the purpose authorized in this
30 paragraph may charge a person operating the use on the property rent for
31 the property. An operator may charge users of the property a fee that does

1 not exceed the operator’s cost to maintain the property, buildings and facil-
 2 ities. As used in this paragraph, “model aircraft” means a small-scale version
 3 of an airplane, glider, helicopter, dirigible or balloon that is used or intended
 4 to be used for flight and is controlled by radio, lines or design by a person
 5 on the ground.

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

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

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

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

26 (A) A public right of way;

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

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

30 (y) Subject to the issuance of a license, permit or other approval by the
 31 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,

1 468B.053 or 468B.055, or in compliance with rules adopted under ORS
2 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
3 reclaimed water, agricultural or industrial process water or biosolids, or the
4 onsite treatment of septage prior to the land application of biosolids, for
5 agricultural, horticultural or silvicultural production, or for irrigation in
6 connection with a use allowed in an exclusive farm use zone under this
7 chapter. For the purposes of this paragraph, onsite treatment of septage prior
8 to the land application of biosolids is limited to treatment using treatment
9 facilities that are portable, temporary and transportable by truck trailer, as
10 defined in ORS 801.580, during a period of time within which land applica-
11 tion of biosolids is authorized under the license, permit or other approval.

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

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

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

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

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

31 (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, including
12 the processing of farm crops into biofuel not permitted under ORS 215.203
13 (2)(b)(K) or subsection (1)(u) of this section.

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 resources.

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, hunting and fishing preserves, public and private
26 parks, playgrounds and campgrounds. Subject to the approval of the county
27 governing body or its designee, a private campground may provide yurts for
28 overnight camping. No more than one-third or a maximum of 10 campsites,
29 whichever is smaller, may include a yurt. The yurt shall be located on the
30 ground or on a wood floor with no permanent foundation. Upon request of
31 a county governing body, the Land Conservation and Development Commis-

1 sion may provide by rule for an increase in the number of yurts allowed on
2 all or a portion of the campgrounds in a county if the commission determines
3 that the increase will comply with the standards described in ORS 215.296
4 (1). A public park or campground may be established as provided under ORS
5 195.120. As used in this paragraph, “yurt” means a round, domed shelter of
6 cloth or canvas on a collapsible frame with no plumbing, sewage disposal
7 hookup or internal cooking appliance.

8 (f) Golf courses on land determined not to be high-value farmland as de-
9 fined in ORS 195.300.

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

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

26 (i) A facility for the primary processing of forest products, provided that
27 such facility is found to not seriously interfere with accepted farming prac-
28 tices and is compatible with farm uses described in ORS 215.203 (2). Such a
29 facility may be approved for a one-year period which is renewable. These
30 facilities are intended to be only portable or temporary in nature. The pri-
31 mary processing of a forest product, as used in this section, means the use

1 of a portable chipper or stud mill or other similar methods of initial treat-
2 ment of a forest product in order to enable its shipment to market. Forest
3 products, as used in this section, means timber grown upon a parcel of land
4 or contiguous land where the primary processing facility is located.

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

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

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

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

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

27 (q) Reconstruction or modification of public roads and highways involving
28 the removal or displacement of buildings but not resulting in the creation
29 of new land parcels.

30 (r) Improvement of public road and highway related facilities such as
31 maintenance yards, weigh stations and rest areas, where additional property

1 or right of way is required but not resulting in the creation of new land
2 parcels.

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

5 (t) Room and board arrangements for a maximum of five unrelated persons
6 in existing residences.

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

16 (A) "Living history museum" means a facility designed to depict and in-
17 terpret everyday life and culture of some specific historic period using au-
18 thentic buildings, tools, equipment and people to simulate past activities and
19 events; and

20 (B) "Local historical society" means the local historical society, recog-
21 nized as such by the county governing body and organized under ORS chap-
22 ter 65.

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

24 (w) An aerial fireworks display business that has been in continuous op-
25 eration at its current location within an exclusive farm use zone since De-
26 cember 31, 1986, and possesses a wholesaler's permit to sell or provide
27 fireworks.

28 (x) A landscape contracting business, as defined in ORS 671.520, or a
29 business providing landscape architecture services, as described in ORS
30 671.318, if the business is pursued in conjunction with the growing and
31 marketing of nursery stock on the land that constitutes farm use.

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

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

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

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

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

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

28 (c) Complies with such other conditions as the governing body or its
29 designee considers necessary.

30 (4) In counties that have adopted marginal lands provisions under ORS
31 197.247 (1991 Edition), one single-family dwelling, not provided in conjunc-

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

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

7 (b) If the lot or parcel is located within the Willamette River Greenway,
8 a floodplain or a geological hazard area, the dwelling complies with condi-
9 tions imposed by local ordinances relating specifically to the Willamette
10 River Greenway, floodplains or geological hazard areas, whichever is appli-
11 cable; and

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

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

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

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

20 (6) The notice required in subsection (5) of this section shall specify that
21 persons have 15 days following the date of postmark of the notice to file a
22 written objection on the grounds only that the dwelling or activities associ-
23 ated with it would force a significant change in or significantly increase the
24 cost of accepted farming practices on nearby lands devoted to farm use. If
25 no objection is received, the governing body or its designee shall approve or
26 disapprove the application. If an objection is received, the governing body
27 shall set the matter for hearing in the manner prescribed in ORS 215.402 to
28 215.438. The governing body may charge the reasonable costs of the notice
29 required by subsection (5)(a) of this section to the applicant for the permit
30 requested under subsection (4) of this section.

31 (7) Subsection (4) of this section applies to a lot or parcel lawfully created

1 between January 1, 1948, and July 1, 1983. For the purposes of this section:

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

3 (A) A lot or parcel described in this section is contiguous to one or more
4 lots or parcels described in this section; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (i) Planned hours of operation;

20 (ii) Access, egress and parking;

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

23 (iv) Sanitation and solid waste.

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

1 the proposed agri-tourism or other commercial event or activity meets any
2 local standards that apply, and the agri-tourism or other commercial event
3 or activity:

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

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

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

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

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

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

14 (G) Must comply with applicable health and fire and life safety require-
15 ments.

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

28 (D) Must comply with ORS 215.296;

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

1 (F) Must comply with conditions established for:

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

6 (ii) The location of existing structures and the location of proposed tem-
7 porary structures to be used in connection with the agri-tourism or other
8 commercial events or activities;

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

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

13 (v) Sanitation and solid waste.

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

20 (A) Are incidental and subordinate to existing commercial farm use of the
21 tract and are necessary to support the commercial farm uses or the com-
22 mercial agricultural enterprises in the area;

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

25 (C) Occur on a lot or parcel that complies with the acknowledged mini-
26 mum lot or parcel size; 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)
29 of this section must request review of the permit at four-year intervals. Upon
30 receipt of a request for review, the county shall:

31 (a) Provide public notice and an opportunity for public comment as part

1 of the review process; and

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

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

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

14 (b) The county may issue the limited use permits authorized by subsection
15 (11)(c) of this section for two calendar years. When considering an applica-
16 tion for renewal, the county shall ensure compliance with the provisions of
17 subsection (11)(c) of this section, any local standards that apply and condi-
18 tions that apply to the permit or to the agri-tourism or other commercial
19 events or activities authorized by the permit.

20 [(c) *The authorizations provided by subsection (11) of this section are in*
21 *addition to other authorizations that may be provided by law, except that*
22 *“outdoor mass gathering” and “other gathering,” as those terms are used in*
23 *ORS 197.015 (10)(d), do not include agri-tourism or other commercial events*
24 *and activities.*]

25 **SECTION 11.** ORS 215.213, as amended by section 7, chapter 462, Oregon
26 Laws 2013, section 2, chapter 148, Oregon Laws 2017, section 4, chapter 253,
27 Oregon Laws 2017, section 4, chapter 504, Oregon Laws 2017, and section 2,
28 chapter 119, Oregon Laws 2018, is amended to read:

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

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

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

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

8 (A) ORS 215.275; or

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

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

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

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

31 (g) Operations for the exploration for and production of geothermal re-

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

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

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

20 (j) Climbing and passing lanes within the right of way existing as of July
21 1, 1987.

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

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

29 (m) Minor betterment of existing public road and highway related facili-
30 ties, such as maintenance yards, weigh stations and rest areas, within right
31 of way existing as of July 1, 1987, and contiguous public-owned property

1 utilized to support the operation and maintenance of public roads and high-
2 ways.

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

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

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

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

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

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

13 (C) Has interior wiring for interior lights;

14 (D) Has a heating system; and

15 (E) In the case of replacement:

16 (i) Is removed, demolished or converted to an allowable nonresidential use
17 within three months of the completion of the replacement dwelling. A re-
18 placement dwelling may be sited on any part of the same lot or parcel. A
19 dwelling established under this paragraph shall comply with all applicable
20 siting standards. However, the standards shall not be applied in a manner
21 that prohibits the siting of the dwelling. If the dwelling to be replaced is
22 located on a portion of the lot or parcel not zoned for exclusive farm use,
23 the applicant, as a condition of approval, shall execute and record in the
24 deed records for the county where the property is located a deed restriction
25 prohibiting the siting of a dwelling on that portion of the lot or parcel. The
26 restriction imposed shall be irrevocable unless a statement of release is
27 placed in the deed records for the county. The release shall be signed by the
28 county or its designee and state that the provisions of this paragraph re-
29 garding replacement dwellings have changed to allow the siting of another
30 dwelling. The county planning director or the director's designee shall
31 maintain a record of the lots and parcels that do not qualify for the siting

1 of a new dwelling under the provisions of this paragraph, including a copy
2 of the deed restrictions and release statements filed under this paragraph;
3 and

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

15 (r) Farm stands if:

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

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

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

30 (t) A site for the takeoff and landing of model aircraft, including such
31 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 crops or for the production of
14 biofuel, as defined in ORS 315.141, if the facility is located on a farm oper-
15 ation that provides at least one-quarter of the farm crops processed at the
16 facility, or an establishment for the slaughter, processing or selling of
17 poultry or poultry products pursuant to ORS 603.038. If a building is estab-
18 lished or used for the processing facility or establishment, the farm operator
19 may not devote more than 10,000 square feet of floor area to the processing
20 facility or establishment, exclusive of the floor area designated for prepara-
21 tion, storage or other farm use. A processing facility or establishment must
22 comply with all applicable siting standards but the standards may not be
23 applied in a manner that prohibits the siting of the processing facility or
24 establishment.

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

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

29 (x) Utility facility service lines. Utility facility service lines are utility
30 lines and accessory facilities or structures that end at the point where the
31 utility service is received by the customer and that are located on one or

1 more of the following:

2 (A) A public right of way;

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

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

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

19 (z) Dog training classes or testing trials, which may be conducted out-
20 doors or in preexisting farm buildings, when:

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

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

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

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

31 (a) 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 if the farm operation or woodlot:

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

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

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

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

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

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

21 (d) Operations conducted for:

22 (A) Mining and processing of geothermal resources as defined by ORS
23 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted
24 under subsection (1)(g) of this section;

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

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

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

30 (e) Community centers owned by a governmental agency or a nonprofit
31 community organization and operated primarily by and for residents of the

1 local rural community, hunting and fishing preserves, public and private
2 parks, playgrounds and campgrounds. Subject to the approval of the county
3 governing body or its designee, a private campground may provide yurts for
4 overnight camping. No more than one-third or a maximum of 10 campsites,
5 whichever is smaller, may include a yurt. The yurt shall be located on the
6 ground or on a wood floor with no permanent foundation. Upon request of
7 a county governing body, the Land Conservation and Development Commis-
8 sion may provide by rule for an increase in the number of yurts allowed on
9 all or a portion of the campgrounds in a county if the commission determines
10 that the increase will comply with the standards described in ORS 215.296
11 (1). A public park or campground may be established as provided under ORS
12 195.120. As used in this paragraph, “yurt” means a round, domed shelter of
13 cloth or canvas on a collapsible frame with no plumbing, sewage disposal
14 hookup or internal cooking appliance.

15 (f) Golf courses on land determined not to be high-value farmland as de-
16 fined in ORS 195.300.

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

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

1 Department of Aviation.

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

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

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

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

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

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

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

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

31 (p) Construction of additional passing and travel lanes requiring the ac-

1 quisation of right of way but not resulting in the creation of new land par-
2 cels.

3 (q) Reconstruction or modification of public roads and highways involving
4 the removal or displacement of buildings but not resulting in the creation
5 of new land parcels.

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

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

12 (t) Room and board arrangements for a maximum of five unrelated persons
13 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.

31 (w) An aerial fireworks display business that has been in continuous op-

1 eration at its current location within an exclusive farm use zone since De-
2 cember 31, 1986, and possesses a wholesaler's permit to sell or provide
3 fireworks.

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

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

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

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

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

18 (3) In counties that have adopted marginal lands provisions under ORS
19 197.247 (1991 Edition), a single-family residential dwelling not provided in
20 conjunction with farm use may be established on a lot or parcel with soils
21 predominantly in capability classes IV through VIII as determined by the
22 Agricultural Capability Classification System in use by the United States
23 Department of Agriculture Soil Conservation Service on October 15, 1983. A
24 proposed dwelling is subject to approval of the governing body or its
25 designee in any area zoned for exclusive farm use upon written findings
26 showing all of the following:

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

30 (b) The dwelling is situated upon generally unsuitable land for the pro-
31 duction of farm crops and livestock, considering the terrain, adverse soil or

1 land conditions, drainage and flooding, location and size of the tract. A lot
2 or parcel shall not be considered unsuitable solely because of its size or lo-
3 cation if it can reasonably be put to farm use in conjunction with other land.

4 (c) Complies with such other conditions as the governing body or its
5 designee considers necessary.

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

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

14 (b) If the lot or parcel is located within the Willamette River Greenway,
15 a floodplain or a geological hazard area, the dwelling complies with condi-
16 tions imposed by local ordinances relating specifically to the Willamette
17 River Greenway, floodplains or geological hazard areas, whichever is appli-
18 cable; and

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

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

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

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

27 (6) The notice required in subsection (5) of this section shall specify that
28 persons have 15 days following the date of postmark of the notice to file a
29 written objection on the grounds only that the dwelling or activities associ-
30 ated with it would force a significant change in or significantly increase the
31 cost of accepted farming practices on nearby lands devoted to farm use. If

1 no objection is received, the governing body or its designee shall approve or
2 disapprove the application. If an objection is received, the governing body
3 shall set the matter for hearing in the manner prescribed in ORS 215.402 to
4 215.438. The governing body may charge the reasonable costs of the notice
5 required by subsection (5)(a) of this section to the applicant for the permit
6 requested under subsection (4) of this section.

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

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

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

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

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

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

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

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

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

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

1 Laws 1993.

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

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

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

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

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

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

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

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

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

26 (i) Planned hours of operation;

27 (ii) Access, egress and parking;

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

30 (iv) Sanitation and solid waste.

31 (b) In the alternative to paragraphs (a) and (c) of this subsection, a

1 county may authorize, through an expedited, single-event license, a single
2 agri-tourism or other commercial event or activity on a tract in a calendar
3 year by an expedited, single-event license that is personal to the applicant
4 and is not transferred by, or transferable with, a conveyance of the tract. A
5 decision concerning an expedited, single-event license is not a land use de-
6 cision, as defined in ORS 197.015. To approve an expedited, single-event li-
7 cense, the governing body of a county or its designee must determine that
8 the proposed agri-tourism or other commercial event or activity meets any
9 local standards that apply, and the agri-tourism or other commercial event
10 or activity:

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

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

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

14 (D) May not include the artificial amplification of music or voices before
15 8 a.m. or after 8 p.m.;

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

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

21 (G) Must comply with applicable health and fire and life safety require-
22 ments.

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

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

31 (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
2 occupied in connection with the agri-tourism or other commercial events or
3 activities;

4 (D) Must comply with ORS 215.296;

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

8 (F) Must comply with conditions established for:

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

13 (ii) The location of existing structures and the location of proposed tem-
14 porary structures to be used in connection with the agri-tourism or other
15 commercial events or activities;

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

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

20 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

21 (b) The county may issue the limited use permits authorized by subsection
22 (11)(c) of this section for two calendar years. When considering an applica-
23 tion for renewal, the county shall ensure compliance with the provisions of
24 subsection (11)(c) of this section, any local standards that apply and condi-
25 tions that apply to the permit or to the agri-tourism or other commercial
26 events or activities authorized by the permit.

27 *[(c) The authorizations provided by subsection (11) of this section are in*
28 *addition to other authorizations that may be provided by law, except that*
29 *“outdoor mass gathering” and “other gathering,” as those terms are used in*
30 *ORS 197.015 (10)(d), do not include agri-tourism or other commercial events*
31 *and activities.]*

1 **SECTION 12.** ORS 215.283, as amended by section 3, chapter 119, Oregon
2 Laws 2018, is amended to read:

3 215.283. (1) The following uses may be established in any area zoned for
4 exclusive farm use:

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

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

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

12 (A) ORS 215.275; or

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

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

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

30 (f) Operations for the exploration for and production of geothermal re-
31 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,

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

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

8 (h) Climbing and passing lanes within the right of way existing as of July
9 1, 1987.

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

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

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

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

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

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

27 (o) Farm stands if:

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

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

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

8 (p) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, res-
9 toration or replacement of a lawfully established dwelling.

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

24 (r) A facility for the processing of farm crops or for the production of
25 biofuel, as defined in ORS 315.141, if the facility is located on a farm oper-
26 ation that provides at least one-quarter of the farm crops processed at the
27 facility, or an establishment for the slaughter, processing or selling of
28 poultry or poultry products pursuant to ORS 603.038. If a building is estab-
29 lished or used for the processing facility or establishment, the farm operator
30 may not devote more than 10,000 square feet of floor area to the processing
31 facility or establishment, exclusive of the floor area designated for prepara-

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

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

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

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

13 (A) A public right of way;

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

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

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

30 (w) A county law enforcement facility that lawfully existed on August 20,
31 2002, and is used to provide rural law enforcement services primarily in rural

1 areas, including parole and post-prison supervision, but not including a
2 correctional facility as defined under ORS 162.135.

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

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

8 (B) The number of dogs participating in a testing trial does not exceed
9 60 and the number of testing trials to be conducted on-site is limited to four
10 or fewer trials per calendar year.

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

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

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

18 (b) Operations conducted for:

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

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

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

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

27 (c) Private parks, playgrounds, hunting and fishing preserves and
28 campgrounds. Subject to the approval of the county governing body or its
29 designee, a private campground may provide yurts for overnight camping.
30 No more than one-third or a maximum of 10 campsites, whichever is smaller,
31 may include a yurt. The yurt shall be located on the ground or on a wood

1 floor with no permanent foundation. Upon request of a county governing
2 body, the Land Conservation and Development Commission may provide by
3 rule for an increase in the number of yurts allowed on all or a portion of
4 the campgrounds in a county if the commission determines that the increase
5 will comply with the standards described in ORS 215.296 (1). As used in this
6 paragraph, “yurt” means a round, domed shelter of cloth or canvas on a
7 collapsible frame with no plumbing, sewage disposal hookup or internal
8 cooking appliance.

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

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

21 (f) Golf courses on land:

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

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

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

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

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

29 (g) Commercial utility facilities for the purpose of generating power for
30 public use by sale. If the area zoned for exclusive farm use is high-value
31 farmland, a photovoltaic solar power generation facility may be established

1 as a commercial utility facility as provided in ORS 215.447.

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

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

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

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

29 (L) One manufactured dwelling or recreational vehicle, or the temporary
30 residential use of an existing building, in conjunction with an existing
31 dwelling as a temporary use for the term of a hardship suffered by the ex-

1 isting resident or a relative of the resident. Within three months of the end
2 of the hardship, the manufactured dwelling or recreational vehicle shall be
3 removed or demolished or, in the case of an existing building, the building
4 shall be removed, demolished or returned to an allowed nonresidential use.
5 The governing body or its designee shall provide for periodic review of the
6 hardship claimed under this paragraph. A temporary residence approved un-
7 der this paragraph is not eligible for replacement under subsection (1)(p) of
8 this section.

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

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

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

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

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

23 (q) Construction of additional passing and travel lanes requiring the ac-
24 quisition of right of way but not resulting in the creation of new land par-
25 cels.

26 (r) Reconstruction or modification of public roads and highways involving
27 the removal or displacement of buildings but not resulting in the creation
28 of new land parcels.

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

1 parcels.

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

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

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

7 (w) Expansion of existing county fairgrounds and activities directly re-
8 lating to county fairgrounds governed by county fair boards established
9 pursuant to ORS 565.210.

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

19 (A) "Living history museum" means a facility designed to depict and in-
20 terpret everyday life and culture of some specific historic period using au-
21 thentic buildings, tools, equipment and people to simulate past activities and
22 events; and

23 (B) "Local historical society" means the local historical society recog-
24 nized by the county governing body and organized under ORS chapter 65.

25 (y) An aerial fireworks display business that has been in continuous op-
26 eration at its current location within an exclusive farm use zone since De-
27 cember 31, 1986, and possesses a wholesaler's permit to sell or provide
28 fireworks.

29 (z) A landscape contracting business, as defined in ORS 671.520, or a
30 business providing landscape architecture services, as described in ORS
31 671.318, if the business is pursued in conjunction with the growing and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (i) Planned hours of operation;

16 (ii) Access, egress and parking;

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

19 (iv) Sanitation and solid waste.

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

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

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

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

3 (D) May not include the artificial amplification of music or voices before
4 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

24 (D) Must comply with ORS 215.296;

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

28 (F) Must comply with conditions established for:

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

1 daily attendance and the hours of operation;

2 (ii) The location of existing structures and the location of proposed tem-
3 porary 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 the
17 tract and are necessary to support the commercial farm uses or the com-
18 mercial 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
31 standards established by subsection (4)(d) of this section.

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

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

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

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

21 **SECTION 13.** ORS 215.283, as amended by section 8, chapter 462, Oregon
22 Laws 2013, section 4, chapter 148, Oregon Laws 2017, section 6, chapter 253,
23 Oregon Laws 2017, section 2, chapter 393, Oregon Laws 2017, section 6,
24 chapter 504, Oregon Laws 2017, and section 4, chapter 119, Oregon Laws 2018,
25 is amended to read:

26 215.283. (1) The following uses may be established in any area zoned for
27 exclusive farm use:

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

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

30 (c) Utility facilities necessary for public service, including wetland waste
31 treatment systems but not including commercial facilities for the purpose of

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

4 (A) ORS 215.275; or

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

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

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

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

28 (g) Operations for the exploration for minerals as defined by ORS 517.750.
29 Any activities or construction relating to such operations shall not be a ba-
30 sis for an exception under ORS 197.732 (2)(a) or (b).

31 (h) Climbing and passing lanes within the right of way existing as of July

1 1, 1987.

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

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

9 (k) Minor betterment of existing public road and highway related facili-
10 ties such as maintenance yards, weigh stations and rest areas, within right
11 of way existing as of July 1, 1987, and contiguous public-owned property
12 utilized to support the operation and maintenance of public roads and high-
13 ways.

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

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

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

19 (o) Farm stands if:

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

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

31 (p) Alteration, restoration or replacement of a lawfully established

1 dwelling that:

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

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

5 (C) Has interior wiring for interior lights;

6 (D) Has a heating system; and

7 (E) In the case of replacement:

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

27 (ii) For which the applicant has requested a deferred replacement permit,
28 is removed or demolished within three months after the deferred replacement
29 permit is issued. A deferred replacement permit allows construction of the
30 replacement dwelling at any time. If, however, the established dwelling is
31 not removed or demolished within three months after the deferred replace-

1 ment permit is issued, the permit becomes void. The replacement dwelling
2 must comply with applicable building codes, plumbing codes, sanitation codes
3 and other requirements relating to health and safety or to siting at the time
4 of construction. A deferred replacement permit may not be transferred, by
5 sale or otherwise, except by the applicant to the spouse or a child of the
6 applicant.

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

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

1 establishment.

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

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

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

10 (A) A public right of way;

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

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

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

27 (w) A county law enforcement facility that lawfully existed on August 20,
28 2002, and is used to provide rural law enforcement services primarily in rural
29 areas, including parole and post-prison supervision, but not including a
30 correctional facility as defined under ORS 162.135.

31 (x) Dog training classes or testing trials, which may be conducted out-

1 doors or in preexisting farm buildings, when:

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

5 (B) The number of dogs participating in a testing trial does not exceed
6 60 and the number of testing trials to be conducted on-site is limited to four
7 or fewer trials per calendar year.

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

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

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

15 (b) Operations conducted for:

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

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

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

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

24 (c) Private parks, playgrounds, hunting and fishing preserves and
25 campgrounds. Subject to the approval of the county governing body or its
26 designee, a private campground may provide yurts for overnight camping.
27 No more than one-third or a maximum of 10 campsites, whichever is smaller,
28 may include a yurt. The yurt shall be located on the ground or on a wood
29 floor with no permanent foundation. Upon request of a county governing
30 body, the Land Conservation and Development Commission may provide by
31 rule for an increase in the number of yurts allowed on all or a portion of

1 the campgrounds in a county if the commission determines that the increase
2 will comply with the standards described in ORS 215.296 (1). As used in this
3 paragraph, “yurt” means a round, domed shelter of cloth or canvas on a
4 collapsible frame with no plumbing, sewage disposal hookup or internal
5 cooking appliance.

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

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

18 (f) Golf courses on land:

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

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

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

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

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

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

30 (h) Personal-use airports for airplanes and helicopter pads, including as-
31 sociated hangar, maintenance and service facilities. A personal-use airport,

1 as used in this section, means an airstrip restricted, except for aircraft
2 emergencies, to use by the owner, and, on an infrequent and occasional basis,
3 by invited guests, and by commercial aviation activities in connection with
4 agricultural operations. No aircraft may be based on a personal-use airport
5 other than those owned or controlled by the owner of the airstrip. Ex-
6 ceptions to the activities permitted under this definition may be granted
7 through waiver action by the Oregon Department of Aviation in specific in-
8 stances. A personal-use airport lawfully existing as of September 13, 1975,
9 shall continue to be permitted subject to any applicable rules of the Oregon
10 Department of Aviation.

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

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

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

26 (L) One manufactured dwelling or recreational vehicle, or the temporary
27 residential use of an existing building, in conjunction with an existing
28 dwelling as a temporary use for the term of a hardship suffered by the ex-
29 isting resident or a relative of the resident. Within three months of the end
30 of the hardship, the manufactured dwelling or recreational vehicle shall be
31 removed or demolished or, in the case of an existing building, the building

1 shall be removed, demolished or returned to an allowed nonresidential use.
2 The governing body or its designee shall provide for periodic review of the
3 hardship claimed under this paragraph. A temporary residence approved un-
4 der this paragraph is not eligible for replacement under subsection (1)(p) of
5 this section.

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

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

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

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

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

20 (q) Construction of additional passing and travel lanes requiring the ac-
21 quisition of right of way but not resulting in the creation of new land par-
22 cels.

23 (r) Reconstruction or modification of public roads and highways involving
24 the removal or displacement of buildings but not resulting in the creation
25 of new land parcels.

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

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

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

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

4 (w) Expansion of existing county fairgrounds and activities directly re-
5 lating to county fairgrounds governed by county fair boards established
6 pursuant to ORS 565.210.

7 (x) A living history museum related to resource based activities owned
8 and operated by a governmental agency or a local historical society, together
9 with limited commercial activities and facilities that are directly related to
10 the use and enjoyment of the museum and located within authentic buildings
11 of the depicted historic period or the museum administration building, if
12 areas other than an exclusive farm use zone cannot accommodate the mu-
13 seum and related activities or if the museum administration buildings and
14 parking lot are located within one quarter mile of an urban growth bound-
15 ary. As used in this paragraph:

16 (A) "Living history museum" means a facility designed to depict and in-
17 terpret everyday life and culture of some specific historic period using au-
18 thentic buildings, tools, equipment and people to simulate past activities and
19 events; and

20 (B) "Local historical society" means the local historical society recog-
21 nized by the county governing body and organized under ORS chapter 65.

22 (y) An aerial fireworks display business that has been in continuous op-
23 eration at its current location within an exclusive farm use zone since De-
24 cember 31, 1986, and possesses a wholesaler's permit to sell or provide
25 fireworks.

26 (z) A landscape contracting business, as defined in ORS 671.520, or a
27 business providing landscape architecture services, as described in ORS
28 671.318, if the business is pursued in conjunction with the growing and
29 marketing of nursery stock on the land that constitutes farm use.

30 (aa) Public or private schools for kindergarten through grade 12, includ-
31 ing all buildings essential to the operation of a school, primarily for resi-

1 dents of the rural area in which the school is located.

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

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

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

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 Conservation
17 and Development Commission as provided in section 3, chapter 529, Oregon
18 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 activity
30 does not exceed 72 consecutive hours;

31 (C) The maximum attendance at the agri-tourism or other commercial

1 event or activity does not exceed 500 people;

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

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

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

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

12 (i) Planned hours of operation;

13 (ii) Access, egress and parking;

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

16 (iv) Sanitation and solid waste.

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

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

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

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

31 (D) May not include the artificial amplification of music or voices before

1 8 a.m. or after 8 p.m.;

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

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

7 (G) Must comply with applicable health and fire and life safety require-
8 ments.

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

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

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

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

21 (D) Must comply with ORS 215.296;

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

25 (F) Must comply with conditions established for:

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

30 (ii) The location of existing structures and the location of proposed tem-
31 porary structures to be used in connection with the agri-tourism or other

1 commercial events or activities;

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

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

6 (v) Sanitation and solid waste.

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

13 (A) Are incidental and subordinate to existing commercial farm use of the
14 tract and are necessary to support the commercial farm uses or the com-
15 mercial agricultural enterprises in the area;

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

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

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

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

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

26 (b) Limit its review to events and activities authorized by the permit,
27 conformance with conditions of approval required by the permit and the
28 standards established by subsection (4)(d) of this section.

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

30 (a) A county may authorize the use of temporary structures established
31 in connection with the agri-tourism or other commercial events or activities

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

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

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

18
