

House Bill 2435

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Agriculture and Natural Resources)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Makes permanent 2018 law sunsetting April 15, 2020, that allows guest ranches to be established on lands zoned for exclusive farm use in eastern Oregon.

A BILL FOR AN ACT

1
2 Relating to guest ranches on tracts of land zoned for exclusive farm use; amending ORS 215.283 and
3 section 2, chapter 15, Oregon Laws 2018; and repealing section 6, chapter 15, Oregon Laws 2018.

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

5 **SECTION 1. Section 6, chapter 15, Oregon Laws 2018, is repealed.**

6 **SECTION 2. Section 2, chapter 15, Oregon Laws 2018, is amended to read:**

7 **Sec. 2.** (1) As used in this section and section 3 [*of this 2018 Act*], **chapter 15, Oregon Laws**
8 **2018:**

9 (a) "Guest lodging unit" means a guest room in a lodge, bunkhouse, cottage or cabin used only
10 for transient overnight lodging and not for a permanent residence.

11 (b) "Guest ranch" means a facility for guest lodging units, passive recreational activities de-
12 scribed in subsection (6) of this section and food services described in subsection (7) of this section
13 that are incidental and accessory to an existing and continuing livestock operation that qualifies
14 as a farm use.

15 (c) "Livestock" means cattle, sheep, horses and bison.

16 (2) Subject to the provisions of ORS 215.296 (1) and (2) and other approval or siting standards
17 of a county, a guest ranch **under ORS 215.283 (2)(cc)** may be established in an area of eastern
18 Oregon, as defined in ORS 321.805, that is zoned for exclusive farm use unless the proposed site of
19 the guest ranch is within the boundaries of or surrounded by:

20 (a) A federally designated wilderness area or a wilderness study area;

21 (b) A federally designated wildlife refuge;

22 (c) A federally designated area of critical environmental concern; or

23 (d) An area established by an Act of Congress for the protection of scenic or ecological re-
24 sources.

25 (3) The guest ranch must be located on a lawfully established unit of land that:

26 (a) Is at least 160 acres;

27 (b) Contains the dwelling of the individual conducting the livestock operation; and

28 (c) Is not high-value farmland, as described in ORS 215.710.

29 (4) Except as provided in subsection (5) of this section, the guest lodging units of the guest
30 ranch cumulatively must:

31 (a) Include not fewer than four nor more than 10 overnight guest lodging units; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (b) Not exceed a total of 12,000 square feet in floor area, not counting the floor area of a lodge
2 that is dedicated to kitchen area, rest rooms, storage or other shared or common indoor space.

3 (5) For every increment of 160 acres that the lawfully established unit of land on which the
4 guest ranch is located exceeds the minimum 160-acre requirement described in subsection (3) of this
5 section, up to five additional overnight guest lodging units not exceeding a total of 6,000 square feet
6 of floor area may be included in the guest ranch for a total of not more than 25 guest lodging units
7 and 30,000 square feet of floor area.

8 (6) A guest ranch may provide passive recreational activities that can be provided in conjunc-
9 tion with the livestock operation's natural setting including, but not limited to, hunting, fishing,
10 hiking, biking, horseback riding, camping and swimming. A guest ranch may not provide intensively
11 developed recreational facilities, including golf courses as identified in ORS 215.283.

12 (7) A guest ranch may provide food services only for guests of the guest ranch, individuals ac-
13 companying the guests and individuals attending a special event at the guest ranch. The cost of
14 meals, if any, may be included in the fee to visit or stay at the guest ranch. A guest ranch may not
15 sell individual meals to an individual who is not a guest of the guest ranch, an individual accom-
16 panying a guest or an individual attending a special event at the guest ranch.

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

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

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

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

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

26 (A) ORS 215.275; or

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

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

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

41 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
42 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
43 compressors, separators and other customary production equipment for an individual well adjacent
44 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
45 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

15 (L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has
 16 been listed in a county inventory as historic property 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 livestock grown on the
 21 farm operation, or grown on the farm operation and other farm operations in the local agricultural
 22 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm
 23 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-
 24 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
 25 and

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

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

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

42 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
 43 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
 44 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
 45 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing

1 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
 2 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
 3 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
 4 cable siting standards but the standards may not be applied in a manner that prohibits the siting
 5 of the processing facility or establishment.

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

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

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

13 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

41 (b) Operations conducted for:

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

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

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

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

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

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

15 (e) Community centers owned by a governmental agency or a nonprofit community organization
 16 and operated primarily by and for residents of the local rural community. A community center au-
 17 thorized under this paragraph may provide services to veterans, including but not limited to emer-
 18 gency and transitional shelter, preparation and service of meals, vocational and educational
 19 counseling and referral to local, state or federal agencies providing medical, mental health, disability
 20 income replacement and substance abuse services, only in a facility that is in existence on January
 21 1, 2006. The services may not include direct delivery of medical, mental health, disability income
 22 replacement or substance abuse services.

23 (f) Golf courses on land:

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

25 (B) Determined to be high-value farmland described in ORS 195.300 (10)(c) 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 public use by sale. If the
 30 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-
 31 cility may be established as a commercial utility facility as provided in ORS 215.447.

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

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

42 (j) A facility for the primary processing of forest products, provided that such facility is found
 43 to not seriously interfere with accepted farming practices and is compatible with farm uses de-
 44 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is
 45 renewable. These facilities are intended to be only portable or temporary in nature. The primary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (x) A living history museum related to resource based activities owned and operated by a gov-
 43 ernmental agency or a local historical society, together with limited commercial activities and fa-
 44 cilities that are directly related to the use and enjoyment of the museum and located within
 45 authentic buildings of the depicted historic period or the museum administration building, if areas

1 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
 2 the museum administration buildings and parking lot are located within one quarter mile of an ur-
 3 ban growth boundary. As used in this paragraph:

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

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

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

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

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

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

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

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

23 **(cc) Guest ranches in eastern Oregon, as described in section 2, chapter 15, Oregon Laws**
 24 **2018.**

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

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

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

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

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

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

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

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

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

- 1 (E) The agri-tourism or other commercial event or activity complies with ORS 215.296;
- 2 (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary
3 structures, or in existing permitted structures, subject to health and fire and life safety require-
4 ments; and
- 5 (G) The agri-tourism or other commercial event or activity complies with conditions established
6 for:
- 7 (i) Planned hours of operation;
- 8 (ii) Access, egress and parking;
- 9 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-
10 ipated use of public roads; and
- 11 (iv) Sanitation and solid waste.
- 12 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
13 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
14 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
15 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
16 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
17 To approve an expedited, single-event license, the governing body of a county or its designee must
18 determine that the proposed agri-tourism or other commercial event or activity meets any local
19 standards that apply, and the agri-tourism or other commercial event or activity:
- 20 (A) Must be incidental and subordinate to existing farm use on the tract;
- 21 (B) May not begin before 6 a.m. or end after 10 p.m.;
- 22 (C) May not involve more than 100 attendees or 50 vehicles;
- 23 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 24 (E) May not require or involve the construction or use of a new permanent structure in con-
25 nection with the agri-tourism or other commercial event or activity;
- 26 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
27 properties consent, in writing, to the location; and
- 28 (G) Must comply with applicable health and fire and life safety requirements.
- 29 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
30 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
31 use permit that is personal to the applicant and is not transferred by, or transferable with, a
32 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
33 local standards that apply, and the agri-tourism or other commercial events or activities:
- 34 (A) Must be incidental and subordinate to existing farm use on the tract;
- 35 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 36 (C) May not require that a new permanent structure be built, used or occupied in connection
37 with the agri-tourism or other commercial events or activities;
- 38 (D) Must comply with ORS 215.296;
- 39 (E) May not, in combination with other agri-tourism or other commercial events or activities
40 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 41 (F) Must comply with conditions established for:
- 42 (i) The types of agri-tourism or other commercial events or activities that are authorized during
43 each calendar year, including the number and duration of the agri-tourism or other commercial
44 events and activities, the anticipated daily attendance and the hours of operation;
- 45 (ii) The location of existing structures and the location of proposed temporary structures to be

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

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

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

6 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

42 **SECTION 4.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, section 4,
43 chapter 148, Oregon Laws 2017, section 6, chapter 253, Oregon Laws 2017, section 2, chapter 393,
44 Oregon Laws 2017, section 6, chapter 504, Oregon Laws 2017, and section 4, chapter 119, Oregon
45 Laws 2018, is amended to read:

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

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

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

4 (c) Utility facilities necessary for public service, including wetland waste treatment systems but
 5 not including commercial facilities for the purpose of generating electrical power for public use by
 6 sale or transmission towers over 200 feet in height. A utility facility necessary for public service
 7 may 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 ORS 215.274 and
 10 469.300.

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

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

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

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

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

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

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

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

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

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

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

1 (o) Farm stands if:

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

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

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

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

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

15 (C) Has interior wiring for interior lights;

16 (D) Has a heating system; and

17 (E) In the case of replacement:

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

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

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

1 for the property. An operator may charge users of the property a fee that does not exceed the
2 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model
3 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
4 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
5 ground.

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

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

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

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

22 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

5 (b) Operations conducted for:

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

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

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

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

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

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

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

32 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 **(cc) Guest ranches in eastern Oregon, as described in section 2, chapter 15, Oregon Laws**
 33 **2018.**

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

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

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

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

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

1 or activity meets any local standards that apply and:

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

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

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

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

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

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

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

16 (i) Planned hours of operation;

17 (ii) Access, egress and parking;

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

20 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

45 (C) May not require that a new permanent structure be built, used or occupied in connection

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

2 (D) Must comply with ORS 215.296;

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

5 (F) Must comply with conditions established for:

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

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

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

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

15 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

1 authorized by the permit.

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

6
