

# B-Engrossed House Bill 2844

Ordered by the Senate May 17  
Including House Amendments dated April 9 and Senate Amendments  
dated May 17

Sponsored by Representative SMITH DB

## 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.

Allows facilities for processing farm products under 2,500 square feet on lands zoned for exclusive farm use without regard to siting standards.

## A BILL FOR AN ACT

1  
2 Relating to facilities for processing farm products; creating new provisions; and amending ORS  
3 215.203, 215.213, 215.263, 215.283 and 308A.056.

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

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

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

7 (a) "Biofuel" has the meaning given that term in ORS 315.141.

8 (b) "Facility for the processing of farm products" means a facility for:

9 (A) Processing farm crops, including the production of biofuel, if at least one-quarter of  
10 the farm crops come from the farm operation containing the facility; or

11 (B) Slaughtering, processing or selling poultry or poultry products from the farm opera-  
12 tion containing the facility and consistent with the licensing exemption for a person under  
13 ORS 603.038 (2).

14 (c) "Processing area" means the floor area of a building dedicated to farm product pro-  
15 cessing. "Processing area" does not include the floor area designated for preparation, storage  
16 or other farm use.

17 (2) A county may allow a facility for the processing of farm products as a permitted use  
18 under ORS 215.213 (1)(u) and ORS 215.283 (1)(r) on land zoned for exclusive farm use, only if  
19 the facility:

20 (a) Uses less than 10,000 square feet for its processing area and complies with all appli-  
21 cable siting standards; or

22 (b) Notwithstanding any applicable siting standard, uses less than 2,500 square feet for  
23 its processing area.

24 (3) A county may not apply siting standards in a manner that prohibits the siting of a  
25 facility for the processing of farm products under subsection (2)(a) of this section.

26 **SECTION 3. ORS 215.203 is amended to read:**

27 215.203. (1) Zoning ordinances may be adopted to zone designated areas of land within the  
28 county as exclusive farm use zones. Land within such zones shall be used exclusively for farm use

**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 except as otherwise provided in ORS 215.213, 215.283 or 215.284. Farm use zones shall be established  
2 only when such zoning is consistent with the comprehensive plan.

3 (2)(a) As used in this section, “farm use” means the current employment of land for the primary  
4 purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding,  
5 breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or  
6 honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural  
7 use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage  
8 and disposal by marketing or otherwise of the products or by-products raised on such land for hu-  
9 man or animal use. “Farm use” also includes the current employment of land for the primary pur-  
10 pose of obtaining a profit in money by stabling or training equines including but not limited to  
11 providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propa-  
12 gation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under  
13 the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules  
14 adopted by the commission. “Farm use” includes the on-site construction and maintenance of  
15 equipment and facilities used for the activities described in this subsection. “Farm use” does not  
16 include the use of land subject to the provisions of ORS chapter 321, except land used exclusively  
17 for growing cultured Christmas trees [*as defined in subsection (3) of this section*] or land described  
18 in ORS 321.267 (3) or 321.824 (3).

19 (b) **As used in this subsection**, “current employment” of land for farm use includes:

20 (A) Farmland, the operation or use of which is subject to any farm-related government program;

21 (B) Land lying fallow for one year as a normal and regular requirement of good agricultural  
22 husbandry;

23 (C) Land planted in orchards or other perennials, other than land specified in subparagraph (D)  
24 of this paragraph, prior to maturity;

25 (D) Land not in an exclusive farm use zone which has not been eligible for assessment at special  
26 farm use value in the year prior to planting the current crop and has been planted in orchards,  
27 cultured Christmas trees or vineyards for at least three years;

28 (E) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically  
29 tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and  
30 which is not currently being used for any economic farm use;

31 (F) Except for land under a single family dwelling, land under buildings supporting accepted  
32 farm practices, including the processing facilities allowed by [*ORS 215.213 (1)(u) and 215.283 (1)(r)*]  
33 **section 2 of this 2019 Act** and the processing of farm crops into biofuel as commercial activities  
34 in conjunction with farm use under ORS 215.213 (2)(c) and 215.283 (2)(a);

35 (G) Water impoundments lying in or adjacent to and in common ownership with farm use land;

36 (H) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the  
37 owner of land specially valued for farm use even if the land constituting the woodlot is not utilized  
38 in conjunction with farm use;

39 (I) Land lying idle for no more than one year where the absence of farming activity is due to  
40 the illness of the farmer or member of the farmer’s immediate family. For purposes of this paragraph,  
41 illness includes injury or infirmity whether or not such illness results in death;

42 (J) Any land described under ORS 321.267 (3) or 321.824 (3); and

43 (K) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:

44 (i) Only the crops of the landowner are being processed;

45 (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm

1 of the landowner; or

2 (iii) The landowner is custom processing crops into biofuel from other landowners in the area  
3 for their use or sale.

4 (c) As used in this subsection, “accepted [*farming*] **farm practice**” means a mode of operation  
5 that is common to farms of a similar nature, necessary for the operation of such farms to obtain a  
6 profit in money, and customarily utilized in conjunction with farm use.

7 [(3)] **(d) As used in this subsection**, “cultured Christmas trees” means trees:

8 [(a)] **(A)** Grown on lands used exclusively for that purpose, capable of preparation by intensive  
9 cultivation methods such as plowing or turning over the soil;

10 [(b)] **(B)** Of a marketable species;

11 [(c)] **(C)** Managed to [*produce trees meeting*] **meet** U.S. No. 2 or better standards for Christmas  
12 trees as specified by the Agriculture Marketing Services of the United States Department of Agri-  
13 culture; and

14 [(d)] **(D)** Evidencing periodic maintenance practices of shearing for Douglas fir and pine species,  
15 weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect  
16 and disease control, stump culture, soil cultivation[,] **or** irrigation.

17 **SECTION 4.** ORS 215.263 is amended to read:

18 215.263. (1) Any proposed division of land included within an exclusive farm use zone resulting  
19 in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the  
20 governing body or its designee of the county in which the land is situated. The governing body of  
21 a county by ordinance shall require prior review and approval for divisions of land within exclusive  
22 farm use zones established within the county.

23 (2)(a) The governing body of a county or its designee may approve a proposed division of land  
24 to create parcels for farm use as defined in ORS 215.203 if it finds that:

25 (A) The proposed division of land is appropriate for the continuation of the existing commercial  
26 agricultural enterprise within the area;

27 (B) The parcels created by the proposed division are not smaller than the minimum size estab-  
28 lished under ORS 215.780; or

29 (C) A portion of a lot or parcel has been included within an urban growth boundary and reded-  
30 igned for urban uses under the applicable acknowledged comprehensive plan and the portion of  
31 the lot or parcel that remains outside the urban growth boundary and zoned for exclusive farm use  
32 is smaller than the minimum lot or parcel size established under ORS 215.780, subject to paragraph  
33 (b) of this subsection.

34 (b) When a parcel for farm use is created in an exclusive farm use zone under paragraph (a) of  
35 this subsection, the partition must occur along the urban growth boundary and:

36 (A) If the parcel contains a dwelling, the parcel must be large enough to support continued  
37 residential use.

38 (B) If the parcel does not contain a dwelling, the parcel:

39 (i) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

40 (ii) May not be considered in approving or denying an application for siting any other dwelling;  
41 and

42 (iii) May not be considered in approving a redesignation or rezoning of forestlands under the  
43 acknowledged comprehensive plan and land use regulations, except for a redesignation or rezoning  
44 to allow a public park, open space or other natural resource use.

45 (3) The governing body of a county or its designee may approve a proposed division of land in

1 an exclusive farm use zone for nonfarm uses, except dwellings, set out in ORS 215.213 (2) or 215.283  
2 (2) if it finds that the parcel for the nonfarm use is not larger than the minimum size necessary for  
3 the use. The governing body may establish other criteria as it considers necessary.

4 (4) In western Oregon, as defined in ORS 321.257, but not in the Willamette Valley, as defined  
5 in ORS 215.010, the governing body of a county or its designee:

6 (a) May approve a division of land in an exclusive farm use zone to create up to two new parcels  
7 smaller than the minimum size established under ORS 215.780, each to contain a dwelling not pro-  
8 vided in conjunction with farm use if:

9 (A) The nonfarm dwellings have been approved under ORS 215.213 (3) or 215.284 (2) or (3);

10 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully  
11 created prior to July 1, 2001;

12 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with  
13 the minimum size established under ORS 215.780;

14 (D) The remainder of the original lot or parcel that does not contain the nonfarm dwellings  
15 complies with the minimum size established under ORS 215.780; and

16 (E) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm  
17 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-  
18 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-  
19 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or  
20 forest use in conjunction with other land.

21 (b) May approve a division of land in an exclusive farm use zone to divide a lot or parcel into  
22 two parcels, each to contain one dwelling not provided in conjunction with farm use if:

23 (A) The nonfarm dwellings have been approved under ORS 215.284 (2) or (3);

24 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully  
25 created prior to July 1, 2001;

26 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or  
27 smaller than the minimum size established under ORS 215.780 but equal to or larger than 40 acres;

28 (D) The parcels for the nonfarm dwellings are:

29 (i) Not capable of producing more than 50 cubic feet per acre per year of wood fiber; and

30 (ii) Composed of at least 90 percent Class VI through VIII soils;

31 (E) The parcels for the nonfarm dwellings do not have established water rights for irrigation;  
32 and

33 (F) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm  
34 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-  
35 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-  
36 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or  
37 forest use in conjunction with other land.

38 (5) In eastern Oregon, as defined in ORS 321.805, the governing body of a county or its designee:

39 (a) May approve a division of land in an exclusive farm use zone to create up to two new parcels  
40 smaller than the minimum size established under ORS 215.780, each to contain a dwelling not pro-  
41 vided in conjunction with farm use if:

42 (A) The nonfarm dwellings have been approved under ORS 215.284 (7);

43 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully  
44 created prior to July 1, 2001;

45 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with

1 the minimum size established under ORS 215.780;

2 (D) The remainder of the original lot or parcel that does not contain the nonfarm dwellings  
3 complies with the minimum size established under ORS 215.780; and

4 (E) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm  
5 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-  
6 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-  
7 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or  
8 forest use in conjunction with other land.

9 (b) May approve a division of land in an exclusive farm use zone to divide a lot or parcel into  
10 two parcels, each to contain one dwelling not provided in conjunction with farm use if:

11 (A) The nonfarm dwellings have been approved under ORS 215.284 (7);

12 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully  
13 created prior to July 1, 2001;

14 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or  
15 smaller than the minimum size established under ORS 215.780 but equal to or larger than 40 acres;

16 (D) The parcels for the nonfarm dwellings are:

17 (i) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber;  
18 and

19 (ii) Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90  
20 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage  
21 for grazing livestock. The Land Conservation and Development Commission, in cooperation with the  
22 State Department of Agriculture and other interested persons, may establish by rule objective cri-  
23 teria for identifying units of land that are not capable of producing adequate herbaceous forage for  
24 grazing livestock. In developing the criteria, the commission shall use the latest information from  
25 the United States Natural Resources Conservation Service and consider costs required to utilize  
26 grazing lands that differ in acreage and productivity level;

27 (E) The parcels for the nonfarm dwellings do not have established water rights for irrigation;  
28 and

29 (F) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm  
30 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-  
31 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-  
32 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or  
33 forest use in conjunction with other land.

34 (6) This section does not apply to the creation or sale of cemetery lots, if a cemetery is within  
35 the boundaries designated for a farm use zone at the time the zone is established.

36 (7) This section does not apply to divisions of land resulting from lien foreclosures or divisions  
37 of land resulting from foreclosure of recorded contracts for the sale of real property.

38 (8) The governing body of a county may not approve any proposed division of a lot or parcel  
39 described in ORS 215.213 (1)(d) or (i), 215.283 (1)(d) or (2)(L) or 215.284 (1), or a proposed division  
40 that separates a *[processing]* facility **for the processing of farm products, as defined in section**  
41 **2 of this 2019 Act**, from the farm operation *[specified in ORS 215.213 (1)(u) or 215.283 (1)(r)]*.

42 (9) The governing body of a county may approve a proposed division of land in an exclusive farm  
43 use zone to create a parcel with an existing dwelling to be used:

44 (a) As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved  
45 under ORS 215.213 (3) or 215.284 (1), (2), (3), (4) or (7); and

1 (b) For historic property that meets the requirements of ORS 215.213 (1)(n) and 215.283 (1)(L).

2 (10)(a) Notwithstanding ORS 215.780, the governing body of a county or its designee may ap-  
3 prove a proposed division of land provided:

4 (A) The land division is for the purpose of allowing a provider of public parks or open space,  
5 or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels;  
6 and

7 (B) A parcel created by the land division that contains a dwelling is large enough to support  
8 continued residential use of the parcel.

9 (b) A parcel created pursuant to this subsection that does not contain a dwelling:

10 (A) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

11 (B) May not be considered in approving or denying an application for siting any other dwelling;

12 (C) May not be considered in approving a redesignation or rezoning of forestlands except for a  
13 redesignation or rezoning to allow a public park, open space or other natural resource use; and

14 (D) May not be smaller than 25 acres unless the purpose of the land division is:

15 (i) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a  
16 wildlife habitat protection plan; or

17 (ii) To allow a transaction in which at least one party is a public park or open space provider,  
18 or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000  
19 acres of open space or park property.

20 (11) The governing body of a county or its designee may approve a division of land smaller than  
21 the minimum lot or parcel size described in ORS 215.780 (1) and (2) in an exclusive farm use zone  
22 provided:

23 (a) The division is for the purpose of establishing a church, including cemeteries in conjunction  
24 with the church;

25 (b) The church has been approved under ORS 215.213 (1) or 215.283 (1);

26 (c) The newly created lot or parcel is not larger than five acres; and

27 (d) The remaining lot or parcel, not including the church, meets the minimum lot or parcel size  
28 described in ORS 215.780 (1) and (2) either by itself or after it is consolidated with another lot or  
29 parcel.

30 (12) Notwithstanding the minimum lot or parcel size described in ORS 215.780 (1) or (2), the  
31 governing body of a county or its designee may approve a proposed division of land in an exclusive  
32 farm use zone for the nonfarm uses set out in ORS 215.213 (1)(v) or 215.283 (1)(s) if it finds that the  
33 parcel for the nonfarm use is not larger than the minimum size necessary for the use. The governing  
34 body may establish other criteria as it considers necessary.

35 (13) The governing body of a county may not approve a division of land for nonfarm use under  
36 subsection (3), (4), (5), (9), (10), (11) or (12) of this section unless any additional tax imposed for the  
37 change in use has been paid.

38 (14) Parcels used or to be used for training or stabling facilities may not be considered appro-  
39 priate to maintain the existing commercial agricultural enterprise in an area where other types of  
40 agriculture occur.

41 **SECTION 5.** ORS 308A.056 is amended to read:

42 308A.056. (1) As used in ORS 308A.050 to 308A.128, "farm use" means the current employment  
43 of land for the primary purpose of obtaining a profit in money by:

44 (a) Raising, harvesting and selling crops.

45 (b) Feeding, breeding, managing or selling livestock, poultry, fur-bearing animals or honeybees

1 or the produce thereof.

2 (c) Dairying and selling dairy products.

3 (d) Stabling or training equines, including but not limited to providing riding lessons, training  
4 clinics and schooling shows.

5 (e) Propagating, cultivating, maintaining or harvesting aquatic species and bird and animal  
6 species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission.

7 (f) On-site constructing and maintaining equipment and facilities used for the activities described  
8 in this subsection.

9 (g) Preparing, storing or disposing of, by marketing, donation to a local food bank or school or  
10 otherwise, the products or by-products raised for human or animal use on land described in this  
11 section.

12 (h) Implementing a remediation plan previously presented to the assessor for the county in  
13 which the land that is the subject of the plan is located.

14 (i) Using land described in this section for any other agricultural or horticultural use or animal  
15 husbandry or any combination thereof.

16 (2) "Farm use" does not include the use of land subject to timber and forestland taxation under  
17 ORS chapter 321, except land used exclusively for growing cultured Christmas trees or land de-  
18 scribed in ORS 321.267 (3) or 321.824 (3) (relating to land used to grow certain hardwood timber,  
19 including hybrid cottonwood).

20 (3) For purposes of this section, land is currently employed for farm use if the land is:

21 (a) Farmland, the operation or use of which is subject to any farm-related government program;

22 (b) Land lying fallow for one year as a normal and regular requirement of good agricultural  
23 husbandry;

24 (c) Land planted in orchards or other perennials, other than land specified in paragraph (d) of  
25 this subsection, prior to maturity;

26 (d) Land not in an exclusive farm use zone that has not been eligible for assessment at special  
27 farm use value in the year prior to planting the current crop and has been planted in orchards,  
28 cultured Christmas trees or vineyards for at least three years;

29 (e) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically  
30 tillable nor grazeable, lying in or adjacent to and in common ownership with farm use land and that  
31 is not currently being used for any economic farm use;

32 (f) Except for land under a single family dwelling, land under buildings supporting accepted  
33 farming practices, including the processing facilities allowed by [ORS 215.213 (1)(u) and 215.283  
34 (1)(r)] **section 2 of this 2019 Act** and the processing of farm crops into biofuel as commercial ac-  
35 tivities in conjunction with farm use under ORS 215.213 (2)(c) and 215.283 (2)(a);

36 (g) Water impoundments lying in or adjacent to and in common ownership with farm use land;

37 (h) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the  
38 owner of land specially valued for farm use even if the land constituting the woodlot is not utilized  
39 in conjunction with farm use;

40 (i) Land lying idle for no more than one year when the absence of farming activity is the result  
41 of the illness of the farmer or a member of the farmer's immediate family, including injury or  
42 infirmity, regardless of whether the illness results in death;

43 (j) Land described under ORS 321.267 (3) or 321.824 (3) (relating to land used to grow certain  
44 hardwood timber, including hybrid cottonwood);

45 (k) Land subject to a remediation plan previously presented to the assessor for the county in

1 which the land that is the subject of the plan is located; or

2 (L) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:

3 (i) Only the crops of the landowner are being processed;

4 (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm  
5 of the landowner; or

6 (iii) The landowner is custom processing crops into biofuel from other landowners in the area  
7 for their use or sale.

8 (4) As used in this section:

9 (a) "Accepted farming practice" means a mode of operation that is common to farms of a similar  
10 nature, necessary for the operation of these similar farms to obtain a profit in money and custom-  
11 arily utilized in conjunction with farm use.

12 (b) "Cultured Christmas trees" means trees:

13 (A) Grown on lands used exclusively for that purpose, capable of preparation by intensive cul-  
14 tivation methods such as plowing or turning over the soil;

15 (B) Of a marketable species;

16 (C) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as  
17 specified by the Agricultural Marketing Service of the United States Department of Agriculture; and

18 (D) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed  
19 and brush control and one or more of the following practices:

20 (i) Basal pruning;

21 (ii) Fertilizing;

22 (iii) Insect and disease control;

23 (iv) Stump culture;

24 (v) Soil cultivation; or

25 (vi) Irrigation.

26 **SECTION 6.** ORS 215.213, as amended by section 1, chapter 119, Oregon Laws 2018, is amended  
27 to read:

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

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

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

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

36 (A) ORS 215.275; or

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

39 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the  
40 farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,  
41 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
42 operator does or will require the assistance of the relative in the management of the farm use and  
43 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
44 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
45 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or



1 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
2 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
3 shall operate as a partition of the homesite to create a new parcel.

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

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

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

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

17 (i) 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 paragraph (q) of this subsection.

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

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

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

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

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

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

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

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

42 (r) Farm stands if:

43 (A) The structures are designed and used for the sale of farm crops or livestock grown on the  
44 farm operation, or grown on the farm operation and other farm operations in the local agricultural  
45 area, including the sale of 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 items and fees from pro-  
2 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;  
3 and

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

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

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

21 (u) A facility for the processing of farm [*crops or for the production of biofuel, as defined in ORS*  
22 *315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm crops*  
23 *processed at the facility, or an establishment for the slaughter, processing or selling of poultry or*  
24 *poultry products pursuant to ORS 603.038. If a building is established or used for the processing fa-*  
25 *cility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to*  
26 *the processing facility or establishment, exclusive of the floor area designated for preparation, storage*  
27 *or other farm use. A processing facility or establishment must comply with all applicable siting stan-*  
28 *dards but the standards may not be applied in a manner that prohibits the siting of the processing*  
29 *facility or establishment]* **products as described in section 2 of this 2019 Act.**

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

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

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

37 (A) A public right of way;

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

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

41 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-  
42 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with  
43 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application  
44 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of  
45 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-

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

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

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

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

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

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

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

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

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

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

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

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

32 (c) Commercial activities that are in conjunction with farm use, including the processing of farm  
33 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or *[subsection (1)(u) of this section]*  
34 **section 2 of this 2019 Act.**

35 (d) Operations conducted for:

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

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

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

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

42 (e) Community centers owned by a governmental agency or a nonprofit community organization  
43 and operated primarily by and for residents of the local rural community, hunting and fishing pre-  
44 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the  
45 county governing body or its designee, a private campground may provide yurts for overnight

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 showing all of the following:

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

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

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

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

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

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

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

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

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

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

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

37 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,  
38 1948, and July 1, 1983. For the purposes of this section:

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

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

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

45 (b) "Contiguous" means lots, parcels or lots and parcels that have a common boundary, including

1 but not limited to, lots, parcels or lots and parcels separated only by a public road.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (i) Planned hours of operation;

35 (ii) Access, egress and parking;

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

38 (iv) Sanitation and solid waste.

39 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
40 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-  
41 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-  
42 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision  
43 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.  
44 To approve an expedited, single-event license, the governing body of a county or its designee must  
45 determine that the proposed agri-tourism or other commercial event or activity meets any local

1 standards that apply, and the agri-tourism or other commercial event or activity:

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

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

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

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

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

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

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

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

20 (D) Must comply with ORS 215.296;

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

23 (F) Must comply with conditions established for:

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

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

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

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

33 (v) Sanitation and solid waste.

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

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

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

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

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

45 (12) A holder of a permit authorized by a county under subsection (11)(d) of this section must



1 request review of the permit at four-year intervals. Upon receipt of a request for review, the county  
2 shall:

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

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

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

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

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

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

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

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

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

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

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

35 (A) ORS 215.275; or

36 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
37 469.300.

38 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the  
39 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,  
40 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
41 operator does or will require the assistance of the relative in the management of the farm use and  
42 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
43 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
44 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or  
45 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-

1 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
2 shall operate as a partition of the homesite to create a new parcel.

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

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

8 (g) Operations for the exploration for and production of geothermal resources as defined by ORS  
9 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
10 compressors, separators and other customary production equipment for an individual well adjacent  
11 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
12 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

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

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

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

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

43 (C) Has interior wiring for interior lights;

44 (D) Has a heating system; and

45 (E) In the case of replacement:

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

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

23 (r) Farm stands if:

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

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

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

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

1 ground.

2 (u) A facility for the processing of farm [*crops or for the production of biofuel, as defined in ORS*  
3 *315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm crops*  
4 *processed at the facility, or an establishment for the slaughter, processing or selling of poultry or*  
5 *poultry products pursuant to ORS 603.038. If a building is established or used for the processing fa-*  
6 *cility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to*  
7 *the processing facility or establishment, exclusive of the floor area designated for preparation, storage*  
8 *or other farm use. A processing facility or establishment must comply with all applicable siting stan-*  
9 *dards but the standards may not be applied in a manner that prohibits the siting of the processing*  
10 *facility or establishment]* **products as described in section 2 of this 2019 Act.**

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

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

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

18 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (c) Commercial activities that are in conjunction with farm use, including the processing of farm  
14 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or *[subsection (1)(u) of this section]*  
15 **section 2 of this 2019 Act.**

16 (d) Operations conducted for:

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

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

21 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or 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 community organization  
24 and operated primarily by and for residents of the local rural community, hunting and fishing pre-  
25 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the  
26 county governing body or its designee, a private campground may provide yurts for overnight  
27 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include  
28 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.  
29 Upon request of a county governing body, the Land Conservation and Development Commission may  
30 provide by rule for an increase in the number of yurts allowed on all or a portion of the  
31 campgrounds in a county if the commission determines that the increase will comply with the stan-  
32 dards described in ORS 215.296 (1). A public park or campground may be established as provided  
33 under ORS 195.120. As used in this paragraph, "yurt" means a round, domed shelter of cloth or  
34 canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appli-  
35 ance.

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

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

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

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

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

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

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

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

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

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

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

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

28 (p) 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 (q) 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 (r) 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 (s) 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 (t) Room and board arrangements for a maximum of five unrelated persons in existing resi-  
38 dences.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

13 (G) The agri-tourism or other commercial event or activity complies with conditions established  
14 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 vehicles and any antic-  
18 ipated 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 county may authorize,  
21 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-  
22 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-  
23 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision  
24 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.  
25 To approve an expedited, single-event license, the governing body of a county or its designee must  
26 determine that the proposed agri-tourism or other commercial event or activity meets any local  
27 standards that apply, and the agri-tourism or other commercial event 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 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

1 (D) Must comply with ORS 215.296;

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

4 (F) Must comply with conditions established for:

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

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

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

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

14 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

41 (b) The county may issue the limited use permits authorized by subsection (11)(c) of this section  
42 for two calendar years. When considering an application for renewal, the county shall ensure com-  
43 pliance with the provisions of subsection (11)(c) of this section, any local standards that apply and  
44 conditions that apply to the permit or to the agri-tourism or other commercial events or activities  
45 authorized by the permit.

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

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

7 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

14 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

44 (k) Minor betterment of existing public road and highway related facilities such as maintenance  
45 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous

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

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

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

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

7 (o) Farm stands if:

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

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

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

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

30 (r) A facility for the processing of farm [*crops or for the production of biofuel, as defined in ORS*  
31 *315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm crops*  
32 *processed at the facility, or an establishment for the slaughter, processing or selling of poultry or*  
33 *poultry products pursuant to ORS 603.038. If a building is established or used for the processing fa-*  
34 *cility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to*  
35 *the processing facility or establishment, exclusive of the floor area designated for preparation, storage*  
36 *or other farm use. A processing facility or establishment must comply with all applicable siting stan-*  
37 *dards but the standards may not be applied in a manner that prohibits the siting of the processing*  
38 *facility or establishment]* **products as described in section 2 of this 2019 Act.**

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

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

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

1 (A) A public right of way;

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

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

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

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

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

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

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

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

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

27 (a) Commercial activities that are in conjunction with farm use, including the processing of farm  
28 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or *[subsection (1)(r) of this section]*  
29 **section 2 of this 2019 Act.**

30 (b) Operations conducted for:

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

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

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

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

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

1 internal cooking appliance.

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

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

12 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (i) Planned hours of operation;

40 (ii) Access, egress and parking;

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

43 (iv) Sanitation and solid waste.

44 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
45 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-



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

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

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

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

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

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

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

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

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

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

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

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

25 (D) Must comply with ORS 215.296;

26 (E) May not, in combination with other agri-tourism or other commercial events or activities  
27 authorized in the area, materially alter the stability of 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 are authorized during  
30 each calendar year, including the number and duration of the agri-tourism or other commercial  
31 events and activities, the anticipated daily attendance and the hours of operation;

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

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

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

38 (v) Sanitation and solid waste.

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

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

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

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

3 and

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

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

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

9 and

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

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

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

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

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

29 **SECTION 9.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, section 4,  
30 chapter 148, Oregon Laws 2017, section 6, chapter 253, Oregon Laws 2017, section 2, chapter 393,  
31 Oregon Laws 2017, section 6, chapter 504, Oregon Laws 2017, and section 4, chapter 119, Oregon  
32 Laws 2018, is amended to read:

33 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

40 (A) ORS 215.275; or

41 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
42 469.300.

43 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the  
44 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,  
45 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm

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

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

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

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

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

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

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

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

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

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

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

33 (o) Farm stands if:

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

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

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

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

45 (B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to

1 a sanitary waste disposal system;

2 (C) Has interior wiring for interior lights;

3 (D) Has a heating system; and

4 (E) In the case of replacement:

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

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

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

38 (r) A facility for the processing of farm [*crops or for the production of biofuel, as defined in ORS*  
39 *315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm crops*  
40 *processed at the facility, or an establishment for the slaughter, processing or selling of poultry or*  
41 *poultry products pursuant to ORS 603.038. If a building is established or used for the processing fa-*  
42 *cility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to*  
43 *the processing facility or establishment, exclusive of the floor area designated for preparation, storage*  
44 *or other farm use. A processing facility or establishment must comply with all applicable siting stan-*  
45 *dards but the standards may not be applied in a manner that prohibits the siting of the processing*

1 *facility or establishment]* **products as described in section 2 of this 2019 Act.**

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

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

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

9 (A) A public right of way;

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

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

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

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

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

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

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

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

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

35 (a) Commercial activities that are in conjunction with farm use, including the processing of farm  
36 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or *[subsection (1)(r) of this section]*  
37 **section 2 of this 2019 Act.**

38 (b) Operations conducted for:

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

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

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

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

45 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the

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

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

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

20 (f) Golf courses on land:

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

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

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

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

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

1 contiguous land where the primary processing facility is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (G) The agri-tourism or other commercial event or activity complies with conditions established



1 for:

- 2 (i) Planned hours of operation;
- 3 (ii) Access, egress and parking;
- 4 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-
- 5 ipated use of public roads; and
- 6 (iv) Sanitation and solid waste.

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

- 15 (A) Must be incidental and subordinate to existing farm use on the tract;
- 16 (B) May not begin before 6 a.m. or end after 10 p.m.;
- 17 (C) May not involve more than 100 attendees or 50 vehicles;
- 18 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 19 (E) May not require or involve the construction or use of a new permanent structure in con-
- 20 nection with the agri-tourism or other commercial event or activity;
- 21 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
- 22 properties consent, in writing, to the location; and
- 23 (G) Must comply with applicable health and fire and life safety requirements.

24 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to  
25 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited  
26 use permit that is personal 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 activities must meet any  
28 local standards that apply, and the agri-tourism or other commercial events or activities:

- 29 (A) Must be incidental and subordinate to existing farm use on the tract;
- 30 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 31 (C) May not require that a new permanent structure be built, used or occupied in connection
- 32 with the agri-tourism or other commercial events or activities;
- 33 (D) Must comply with ORS 215.296;
- 34 (E) May not, in combination with other agri-tourism or other commercial events or activities
- 35 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 36 (F) Must comply with conditions established for:

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

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

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

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

1 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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