

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3109

By COMMITTEE ON EDUCATION

June 2

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

2 On page 2, delete lines 7 through 13 and insert:

3 “(4)(a) A child care center is a permitted use in all areas zoned for commercial or industrial use,  
4 except areas specifically designated by the local government for heavy industrial use.

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

8 “(5) Notwithstanding subsection (4) of this section, a local government may impose reasonable  
9 conditions upon the establishment or maintenance of a child care center in an area zoned for in-  
10 dustrial uses.

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

14 On page 6, after line 32, insert:

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

16 “215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
17 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

24 “(A) ORS 215.275; or

25 “(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
26 469.300.

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

1 shall operate as a partition of the homesite to create a new parcel.

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

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

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

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

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

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

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

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

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

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

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

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

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

40 “(r) Farm stands if:

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

1 and

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

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

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

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

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

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

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

27 “(A) A public right of way;

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

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

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

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

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

45 “(B) The number of dogs participating in a testing trial does not exceed 60 and the number of

1 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

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

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

4 “(2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
5 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
6 215.296:

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

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

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

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

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

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

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

25 “(d) Operations conducted for:

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

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

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

31 “(D) Processing of other mineral resources and other subsurface resources.

32 “(e) Community centers owned by a governmental agency or a nonprofit community organization  
33 and operated primarily by and for residents of the local rural community, hunting and fishing pre-  
34 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the  
35 county governing body or its designee, a private campground may provide yurts for overnight  
36 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include  
37 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.  
38 Upon request of a county governing body, the Land Conservation and Development Commission may  
39 provide by rule for an increase in the number of yurts allowed on all or a portion of the  
40 campgrounds in a county if the commission determines that the increase will comply with the stan-  
41 dards described in ORS 215.296 (1). A public park or campground may be established as provided  
42 under ORS 195.120. As used in this paragraph, ‘yurt’ means a round, domed shelter of cloth or can-  
43 vas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

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

45 “(g) Commercial utility facilities for the purpose of generating power for public use by sale. If

1 the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation  
2 facility may be established as a commercial utility facility as provided in ORS 215.447. A renewable  
3 energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

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

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

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

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

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

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

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

35 “(n) Home occupations as provided in ORS 215.448.

36 “(o) Transmission towers over 200 feet in height.

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

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

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

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

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

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

10 “(A) ‘Living history museum’ means a facility designed to depict and interpret everyday life and  
11 culture of some specific historic period using authentic buildings, tools, equipment and people to  
12 simulate past activities and events; and

13 “(B) ‘Local historical society’ means the local historical society, recognized as such by the  
14 county governing body and organized under ORS chapter 65.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 use.

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

6 “(c) Complies with such other conditions as the governing body or its designee considers nec-  
7 essary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33           “(i) Planned hours of operation;

34           “(ii) Access, egress and parking;

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

37           “(iv) Sanitation and solid waste.

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



1       “(A) Must be incidental and subordinate to existing farm use on the tract;  
2       “(B) May not begin before 6 a.m. or end after 10 p.m.;  
3       “(C) May not involve more than 100 attendees or 50 vehicles;  
4       “(D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;  
5       “(E) May not require or involve the construction or use of a new permanent structure in con-  
6       nection with the agri-tourism or other commercial event or activity;  
7       “(F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining  
8       properties consent, in writing, to the location; and  
9       “(G) Must comply with applicable health and fire and life safety requirements.  
10       “(c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up  
11       to six agri-tourism or other commercial events or activities on a tract in a calendar year by a lim-  
12       ited use permit that is personal to the applicant and is not transferred by, or transferable with, a  
13       conveyance of the tract. The agri-tourism or other commercial events or activities must meet any  
14       local standards that apply, and the agri-tourism or other commercial events or activities:  
15       “(A) Must be incidental and subordinate to existing farm use on the tract;  
16       “(B) May not, individually, exceed a duration of 72 consecutive hours;  
17       “(C) May not require that a new permanent structure be built, used or occupied in connection  
18       with the agri-tourism or other commercial events or activities;  
19       “(D) Must comply with ORS 215.296;  
20       “(E) May not, in combination with other agri-tourism or other commercial events or activities  
21       authorized in the area, materially alter the stability of the land use pattern in the area; and  
22       “(F) Must comply with conditions established for:  
23       “(i) The types of agri-tourism or other commercial events or activities that are authorized during  
24       each calendar year, including the number and duration of the agri-tourism or other commercial  
25       events and activities, the anticipated daily attendance and the hours of operation;  
26       “(ii) The location of existing structures and the location of proposed temporary structures to  
27       be used in connection with the agri-tourism or other commercial events or activities;  
28       “(iii) The location of access and egress and parking facilities to be used in connection with the  
29       agri-tourism or other commercial events or activities;  
30       “(iv) Traffic management, including the projected number of vehicles and any anticipated use  
31       of public roads; and  
32       “(v) Sanitation and solid waste.  
33       “(d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism  
34       or other commercial events or activities that occur more frequently or for a longer period or that  
35       do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other  
36       commercial events or activities comply with any local standards that apply and the agri-tourism or  
37       other commercial events or activities:  
38       “(A) Are incidental and subordinate to existing commercial farm use of the tract and are nec-  
39       essary to support the commercial farm uses or the commercial agricultural enterprises in the area;  
40       “(B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;  
41       “(C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;  
42       and  
43       “(D) Do not exceed 18 events or activities in a calendar year.  
44       “(12) A holder of a permit authorized by a county under subsection (11)(d) of this section must  
45       request review of the permit at four-year intervals. Upon receipt of a request for review, the county

1 shall:

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

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

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

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

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

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

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

24 “215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

31 “(A) ORS 215.275; or

32 “(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
33 469.300.

34 “(d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of  
35 the farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,  
36 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
37 operator does or will require the assistance of the relative in the management of the farm use and  
38 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
39 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
40 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or  
41 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
42 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
43 shall operate as a partition of the homesite to create a new parcel.

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

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

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

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

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

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

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

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

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

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

24 “(o) Farm stands if:

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

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

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

36 “(q) A site for the takeoff and landing of model aircraft, including such buildings or facilities  
37 as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in  
38 floor area or placed on a permanent foundation unless the building or facility preexisted the use  
39 approved under this paragraph. The site shall not include an aggregate surface or hard surface area  
40 unless the surface preexisted the use approved under this paragraph. An owner of property used for  
41 the purpose authorized in this paragraph may charge a person operating the use on the property  
42 rent 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 “(r) A facility for the processing of farm products as described in ORS 215.255.

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

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

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

10 “(A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

39 “(b) Operations conducted for:

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

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

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

45 “(D) Processing of other mineral resources and other subsurface resources.

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

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

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

21 “(f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 “(x) A living history museum related to resource based activities owned and operated by a  
42 governmental agency or a local historical society, together with limited commercial activities and  
43 facilities that are directly related to the use and enjoyment of the museum and located within au-  
44 thentic buildings of the depicted historic period or the museum administration building, if areas  
45 other than an exclusive farm use zone cannot accommodate the museum and related activities or if

1 the museum administration buildings and parking lot are located within one quarter mile of an ur-  
2 ban growth boundary. As used in this paragraph:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 “(a) Adoption of an exception to the goal related to agricultural lands and to any other appli-  
35 cable goal with which the facility or improvement does not comply; or

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

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

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

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

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

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

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

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

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

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

13 “(i) Planned hours of operation;

14 “(ii) Access, egress and parking;

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

17 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

44 “(D) Must comply with ORS 215.296;

45 “(E) May not, in combination with other agri-tourism or other commercial events or activities



1 authorized in the area, materially alter the stability of the land use pattern in the area; and

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

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

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

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

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

12 “(v) Sanitation and solid waste.

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

18 “(A) Are incidental and subordinate to existing commercial farm use of the tract and are nec-  
19 essary to support the commercial farm uses or the commercial agricultural enterprises in the area;

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

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

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

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

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

29 “(b) Limit its review to events and activities authorized by the permit, conformance with con-  
30 ditions of approval required by the permit and the standards established by subsection (4)(d) of this  
31 section.

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

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

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

44 “(c) The authorizations provided by subsection (4) of this section are in addition to other au-  
45 thorizations that may be provided by law, except that ‘outdoor mass gathering’ and ‘other

1 gathering,' as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other  
2 commercial events and activities.”  
3 \_\_\_\_\_