

# Senate Bill 1087

Sponsored by Senator HAYDEN

## SUMMARY

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

Establishes standards for establishment of farm cafes on lands in Lane County zoned for exclusive farm use. Requires Oregon Health Authority to review land use compatibility statement before licensing farm cafe. Authorizes authority to revoke, deny or suspend license upon certain violations of land use conditions.

## A BILL FOR AN ACT

1  
2 Relating to farm cafes; creating new provisions; and amending ORS 215.213.

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

4 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 215.**

5 **SECTION 2. (1) As used in this section, "farm cafe" means a facility operating a restau-**  
6 **rant, seasonal temporary restaurant or intermittent temporary restaurant, as those terms**  
7 **are defined in ORS 624.010, that prepares or serves beverages and meals for on-site public**  
8 **consumption.**

9 **(2) A farm cafe may be established in Lane County as a permitted use under ORS 215.213**  
10 **(2)(bb) on land zoned for exclusive farm use provided that the farm cafe:**

11 **(a) Is located on a tract of at least 20 acres, with at least 15 acres of the tract dedicated**  
12 **to farm uses;**

13 **(b) Is located no closer than one mile from any other farm cafe;**

14 **(c) Is owned by the owner of the farm tract;**

15 **(d) Other than parking and outdoor seating areas, is operated substantially within one**  
16 **or more dwellings or other buildings normally associated with farm uses that are lawfully**  
17 **established;**

18 **(e) Is owned by someone who does not have a substantial ownership interest in any other**  
19 **farm cafe;**

20 **(f) Has a seating area that occupies no more than 5,000 square feet;**

21 **(g) Is accessible directly from a state highway or a county road, as defined in ORS**  
22 **368.001, improved with a concrete or asphalt surface;**

23 **(h) Prominently promotes the sale of farm products produced on the farm tract or farms**  
24 **within the local vicinity;**

25 **(i) Is incidental and subordinate to the existing farm use on the tract;**

26 **(j) Sells food items, beverages or meals that prominently feature ingredients sourced**  
27 **from farm products grown on the farm tract or from farms within the local vicinity; and**

28 **(k) Has no more than 25 parking spaces designated for farm cafe customers.**

29 **(3) Lane County may impose standards or conditions on a permit for a farm cafe that**  
30 **address the issues described in subsection (2) of this section and:**

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

- 1 (a) The hours of operation;
- 2 (b) Access and parking;
- 3 (c) Traffic management;
- 4 (d) Noise management;
- 5 (e) Sanitation and solid waste; and
- 6 (f) Allowing the continuation of existing accepted farm practices on surrounding lands.

7 **SECTION 3.** Section 4 of this 2023 Act is added to and made a part of ORS 624.010 to  
8 624.121.

9 **SECTION 4.** (1) As used in this section, “farm cafe” has the meaning given that term in  
10 section 2 of this 2023 Act, approved on lands zoned for exclusive farm use.

11 (2) In addition to any other requirements under ORS 624.010 to 624.121, the Oregon  
12 Health Authority may not issue a license to operate a farm cafe unless the authority has  
13 received a land use compatibility statement from the local government with jurisdiction over  
14 the farm cafe that demonstrates that the farm cafe is an authorized land use. The authority  
15 shall prescribe by rule the form of the land use compatibility statement.

16 (3) A local government that receives a request for a land use compatibility statement  
17 from an applicant for a farm cafe shall deliver a response no later than 21 days after re-  
18 ceiving the request. The issuance of a land use compatibility statement under this section  
19 is not a land use decision as defined in ORS 197.015.

20 (4) The authority may suspend, deny or revoke a farm cafe license if notified by the State  
21 Department of Agriculture, Department of Land Conservation and Development or local  
22 government that the farm cafe is operating in a way that is inconsistent with any condition  
23 of a land use permit or section 2 of this 2023 Act. Any suspension, denial or revocation action  
24 shall be taken in accordance with ORS chapter 183.

25 (5) The Oregon Health Authority may enter into an agreement with the State Depart-  
26 ment of Agriculture to license and inspect farm cafes.

27 **SECTION 5.** ORS 215.213 is amended 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) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS  
41 215.291.

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 products as described in ORS 215.255.

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

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

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

29 (A) A public right of way;

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

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

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

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

45 (A) The number of dogs participating in training does not exceed 10 dogs per training class and

1 the number of training classes to be held on-site does not exceed six per day; and

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

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

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

6 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
7 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
8 215.296:

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

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

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

16 (b) 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 smaller than re-  
18 quired under paragraph (a) of this subsection, if the lot or parcel:

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

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

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

27 (d) Operations conducted for:

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

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

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

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

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

1    ance.

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

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

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

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

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

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

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

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

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

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

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

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

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

44       (r) Improvement of public road and highway related facilities such as maintenance yards, weigh  
45   stations and rest areas, where additional property or right of way is required but not resulting in

1 the creation of new land parcels.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 **(bb) A farm cafe in Lane County, as described in section 2 of this 2023 Act.**

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 \_\_\_\_\_