

SB 648-1
(LC 3679)
2/3/23 (RLM/ps)

Requested by Senator SMITH DB

**PROPOSED AMENDMENTS TO
SENATE BILL 648**

1 In line 2 of the printed bill, after “lands” insert “; amending ORS 215.213,
2 215.283 and 215.448”.

3 Delete lines 4 through 13 and insert:

4 **“SECTION 1.** ORS 215.448 is amended to read:

5 “215.448. (1) [*The governing body of a county or its designate*] **A county**
6 may allow[, *subject to the approval of the governing body or its designate,*] the
7 establishment of a home occupation and the parking of vehicles in any zone.
8 [*However, in an*] **On lands zoned for** exclusive farm use [*zone*], forest
9 [*zone*] **use** or a mixed farm and forest [*zone*] **use** that allows residential uses,
10 [*the following standards apply to*] the home occupation:

11 “(a) [*It shall*] **Must** be operated by a resident or employee of a resident
12 of the property on which the business is located;

13 “(b) [*It shall*] **May not** employ [*on the site no*] more than five full-time
14 or part-time persons **on the site**;

15 “(c) [*It shall*] **Must** be operated substantially in:

16 “(A) The dwelling; or

17 “(B) Other buildings normally associated with uses permitted in the zone
18 in which the property is located; and

19 “(d) [*It shall*] **May** not unreasonably interfere with other uses permitted
20 in the zone in which the property is located.

21 **“(2) On lands zoned for exclusive farm use, forest use or a mixed**

1 **farm and forest use, a county may not prohibit the use of a residential**
2 **structure as a vacation occupancy, as defined in ORS 90.100.**

3 “[2] (3) [*The governing body of the county or its designate*] **A county**
4 may establish additional reasonable conditions of approval for the estab-
5 lishment of a home occupation **or vacation occupancy** under [*subsection (1)*
6 *of*] this section.

7 “[3] (4) Nothing in this section authorizes the [*governing body or its*
8 *designate to permit*] construction of any structure [*that would not otherwise*
9 *be allowed*] **prohibited** in the zone in which the home occupation **or vaca-**
10 **tion occupancy** is [*to be*] established.

11 “[4] (5) The existence of home occupations [*shall*] **or vacation occu-**
12 **pancies may** not be used as justification for a zone change.

13 **“SECTION 2.** ORS 215.213 is amended to read:

14 “215.213. (1) In counties that have adopted marginal lands provisions un-
15 der ORS 197.247 (1991 Edition), the following uses may be established in any
16 area zoned for exclusive farm use:

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

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

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

24 “(A) ORS 215.275; or

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

27 “(d) A dwelling on real property used for farm use if the dwelling is oc-
28 cupied by a relative of the farm operator or the farm operator’s spouse,
29 which means a child, parent, stepparent, grandchild, grandparent,
30 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,

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

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

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

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

23 “(h) Operations for the exploration for minerals as defined by ORS
24 517.750. Any activities or construction relating to such operations shall not
25 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

7 “(j) Climbing and passing lanes within the right of way existing as of July
8 1, 1987.

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

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

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

21 “(n) A replacement dwelling to be used in conjunction with farm use if
22 the existing dwelling has been listed in a county inventory as historic prop-
23 erty as defined in ORS 358.480.

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

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

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

28 “(r) Farm stands if:

29 “(A) The structures are designed and used for the sale of farm crops or
30 livestock grown on the farm operation, or grown on the farm operation and

1 other farm operations in the local agricultural area, including the sale of
2 retail incidental items and fee-based activity to promote the sale of farm
3 crops or livestock sold at the farm stand if the annual sale of incidental
4 items and fees from promotional activity do not make up more than 25 per-
5 cent of the total annual sales of the farm stand; and

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

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

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

27 “(u) A facility for the processing of farm products as described in ORS
28 215.255.

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

30 “(w) Irrigation reservoirs, canals, delivery lines and those structures and

1 accessory operational facilities, not including parks or other recreational
2 structures and facilities, associated with a district as defined in ORS 540.505.

3 “(x) Utility facility service lines. Utility facility service lines are utility
4 lines and accessory facilities or structures that end at the point where the
5 utility service is received by the customer and that are located on one or
6 more of the following:

7 “(A) A public right of way;

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

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

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

24 “(z) Dog training classes or testing trials, which may be conducted out-
25 doors or in farm buildings in existence on January 1, 2019, when:

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

29 “(B) The number of dogs participating in a testing trial does not exceed
30 60 and the number of testing trials to be conducted on-site is limited to four

1 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
5 197.247 (1991 Edition), the following uses may be established in any area
6 zoned for exclusive farm use subject to ORS 215.296:

7 “(a) A primary dwelling in conjunction with farm use or the propagation
8 or harvesting of a forest product on a lot or parcel that is managed as part
9 of a farm operation or woodlot if the farm 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
12 producing at least \$2,500 in annual gross income from the crops, livestock
13 or forest products to be raised on the farm operation or woodlot.

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

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

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

25 “(c) Commercial activities that are in conjunction with farm use, includ-
26 ing the processing of farm crops into biofuel not permitted under ORS
27 215.203 (2)(b)(K) or 215.255.

28 “(d) Operations conducted for:

29 “(A) Mining and processing of geothermal resources as defined by ORS
30 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted

1 under subsection (1)(g) of this section;

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

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

6 “(D) Processing of other mineral resources and other subsurface re-
7 sources.

8 “(e) Community centers owned by a governmental agency or a nonprofit
9 community organization and operated primarily by and for residents of the
10 local rural community, hunting and fishing preserves, public and private
11 parks, playgrounds and campgrounds. Subject to the approval of the county
12 governing body or its designee, a private campground may provide yurts for
13 overnight camping. No more than one-third or a maximum of 10 campsites,
14 whichever is smaller, may include a yurt. The yurt shall be located on the
15 ground or on a wood floor with no permanent foundation. Upon request of
16 a county governing body, the Land Conservation and Development Commis-
17 sion may provide by rule for an increase in the number of yurts allowed on
18 all or a portion of the campgrounds in a county if the commission determines
19 that the increase will comply with the standards described in ORS 215.296
20 (1). A public park or campground may be established as provided under ORS
21 195.120. As used in this paragraph, ‘yurt’ means a round, domed shelter of
22 cloth or canvas on a collapsible frame with no plumbing, sewage disposal
23 hookup or internal cooking appliance.

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

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

1 utility facility.

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

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

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

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

29 “(B) Dog training classes or testing trials that cannot be established un-
30 der subsection (1)(z) of this section.

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

2 “(m) The propagation, cultivation, maintenance and harvesting of aquatic
3 species that are not under the jurisdiction of the State Fish and Wildlife
4 Commission or insect species. Insect species shall not include any species
5 under quarantine by the State Department of Agriculture or the United
6 States Department of Agriculture. The county shall provide notice of all
7 applications under this paragraph to the State Department of Agriculture.
8 Notice shall be provided in accordance with the county’s land use regu-
9 lations but shall be mailed at least 20 calendar days prior to any adminis-
10 trative decision or initial public hearing on the application.

11 “(n) Home occupations **or vacation occupancies** as provided in ORS
12 215.448.

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

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

17 “(q) Reconstruction or modification of public roads and highways involv-
18 ing the removal or displacement of buildings but not resulting in the cre-
19 ation of new land parcels.

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

24 “(s) A destination resort that is approved consistent with the require-
25 ments of any statewide planning goal relating to the siting of a destination
26 resort.

27 “(t) Room and board arrangements for a maximum of five unrelated per-
28 sons in existing residences.

29 “(u) A living history museum related to resource based activities owned
30 and operated by a governmental agency or a local historical society, together

1 with limited commercial activities and facilities that are directly related to
2 the use and enjoyment of the museum and located within authentic buildings
3 of the depicted historic period or the museum administration building, if
4 areas other than an exclusive farm use zone cannot accommodate the mu-
5 seum and related activities or if the museum administration buildings and
6 parking lot are located within one quarter mile of the metropolitan urban
7 growth boundary. As used in this paragraph:

8 “(A) ‘Living history museum’ means a facility designed to depict and in-
9 terpret everyday life and culture of some specific historic period using au-
10 thentic buildings, tools, equipment and people to simulate past activities and
11 events; and

12 “(B) ‘Local historical society’ means the local historical society, recog-
13 nized as such by the county governing body and organized under ORS chap-
14 ter 65.

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

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

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

24 “(y) Public or private schools for kindergarten through grade 12, includ-
25 ing all buildings essential to the operation of a school, primarily for resi-
26 dents of the rural area in which the school is located.

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

29 “(A) The activities are conducted in existing buildings that were lawfully
30 constructed on the property before January 1, 2019, or in new buildings that

1 are accessory, incidental and subordinate to the farm use on the tract; and

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

4 “(aa) Child care facilities, preschool recorded programs or school-age re-
5 corded programs that are:

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

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

9 “(C) Colocated with a community center or a public or private school al-
10 lowed under this subsection.

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

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

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

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

30 “(4) In counties that have adopted marginal lands provisions under ORS

1 197.247 (1991 Edition), one single-family dwelling, not provided in conjunc-
2 tion with farm use, may be established in any area zoned for exclusive farm
3 use on a lot or parcel described in subsection (7) of this section that is not
4 larger than three acres upon written findings showing:

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

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

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

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

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

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

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

1 requested under subsection (4) of this section.

2 “(7) Subsection (4) of this section applies to a lot or parcel lawfully cre-
3 ated between January 1, 1948, and July 1, 1983. For the purposes of this
4 section:

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

6 “(A) A lot or parcel described in this section is contiguous to one or more
7 lots or parcels described in this section; and

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

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

14 “(8) A person who sells or otherwise transfers real property in an exclu-
15 sive farm use zone may retain a life estate in a dwelling on that property
16 and in a tract of land under and around the dwelling.

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

19 “(10) Roads, highways and other transportation facilities and improve-
20 ments not allowed under subsections (1) and (2) of this section may be es-
21 tablished, subject to the approval of the governing body or its designee, in
22 areas zoned for exclusive farm use subject to:

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

26 “(b) ORS 215.296 for those uses identified by rule of the Land Conserva-
27 tion and Development Commission as provided in section 3, chapter 529,
28 Oregon Laws 1993.

29 “(11) The following agri-tourism and other commercial events or activities
30 that are related to and supportive of agriculture may be established in any

1 area zoned for exclusive farm use:

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

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

9 “(B) The duration of the agri-tourism or other commercial event or ac-
10 tivity does not exceed 72 consecutive hours;

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

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

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

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

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

23 “(i) Planned hours of operation;

24 “(ii) Access, egress and parking;

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

27 “(iv) Sanitation and solid waste.

28 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a
29 county may authorize, through an expedited, single-event license, a single
30 agri-tourism or other commercial event or activity on a tract in a calendar

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

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

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

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

12 “(D) May not include the artificial amplification of music or voices before
13 8 a.m. or after 8 p.m.;

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

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

19 “(G) Must comply with applicable health and fire and life safety require-
20 ments.

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

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

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

30 “(C) May not require that a new permanent structure be built, used or

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

3 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

19 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

1 and activities.

2 **“SECTION 3.** ORS 215.283 is amended to read:

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

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

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

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

12 “(A) ORS 215.275; or

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

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

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

30 “(f) Operations for the exploration for and production of geothermal re-

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

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

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

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

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

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

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

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

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

28 “(o) Farm stands if:

29 “(A) The structures are designed and used for the sale of farm crops or
30 livestock grown on the farm operation, or grown on the farm operation and

1 other farm operations in the local agricultural area, including the sale of
2 retail incidental items and fee-based activity to promote the sale of farm
3 crops or livestock sold at the farm stand if the annual sale of incidental
4 items and fees from promotional activity do not make up more than 25 per-
5 cent of the total annual sales of the farm stand; and

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

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

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

26 “(r) A facility for the processing of farm products as described in ORS
27 215.255.

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

29 “(t) Irrigation reservoirs, canals, delivery lines and those structures and
30 accessory operational facilities, not including parks or other recreational

1 structures and facilities, associated with a district as defined in ORS 540.505.

2 “(u) Utility facility service lines. Utility facility service lines are utility
3 lines and accessory facilities or structures that end at the point where the
4 utility service is received by the customer and that are located on one or
5 more of the following:

6 “(A) A public right of way;

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

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

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

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

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

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

1 not exceed six per day; and

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

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

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

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

10 “(a) Commercial activities that are in conjunction with farm use, includ-
11 ing the processing of farm crops into biofuel not permitted under ORS
12 215.203 (2)(b)(K) or 215.255.

13 “(b) Operations conducted for:

14 “(A) Mining and processing of geothermal resources as defined by ORS
15 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted
16 under subsection (1)(f) of this section;

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

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

21 “(D) Processing of other mineral resources and other subsurface re-
22 sources.

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

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

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

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

18 “(f) Golf courses on land:

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

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

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

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

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

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

1 utility facility.

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

14 “(i) Home occupations **or vacation occupancies** as provided in ORS
15 215.448.

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

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

30 “(L) One manufactured dwelling or recreational vehicle, or the temporary

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

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

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

13 “(B) Dog training classes or testing trials that cannot be established un-
14 der subsection (1)(x) of this section.

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

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

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

28 “(r) Reconstruction or modification of public roads and highways involv-
29 ing the removal or displacement of buildings but not resulting in the cre-
30 ation of new land parcels.

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

5 “(t) A destination resort that is approved consistent with the require-
6 ments of any statewide planning goal relating to the siting of a destination
7 resort.

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

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

11 “(w) Expansion of existing county fairgrounds and activities directly re-
12 lating to county fairgrounds governed by county fair boards established
13 pursuant to ORS 565.210.

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

23 “(A) ‘Living history museum’ means a facility designed to depict and in-
24 terpret everyday life and culture of some specific historic period using au-
25 thentic buildings, tools, equipment and people to simulate past activities and
26 events; and

27 “(B) ‘Local historical society’ means the local historical society recog-
28 nized by the county governing body and organized under ORS chapter 65.

29 “(y) An aerial fireworks display business that has been in continuous
30 operation at its current location within an exclusive farm use zone since

1 December 31, 1986, and possesses a wholesaler’s permit to sell or provide
2 fireworks.

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

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

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

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

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

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

18 “(dd) Child care facilities, preschool recorded programs or school-age re-
19 corded programs that are:

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

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

23 “(C) Colocated with a community center or a public or private school al-
24 lowed under this subsection.

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

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

1 comply; or

2 “(b) ORS 215.296 for those uses identified by rule of the Land Conserva-
3 tion and Development Commission as provided in section 3, chapter 529,
4 Oregon Laws 1993.

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

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

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

15 “(B) The duration of the agri-tourism or other commercial event or ac-
16 tivity does not exceed 72 consecutive hours;

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

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

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

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

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

29 “(i) Planned hours of operation;

30 “(ii) Access, egress and parking;

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

3 “(iv) Sanitation and solid waste.

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

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

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

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

18 “(D) May not include the artificial amplification of music or voices before
19 8 a.m. or after 8 p.m.;

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

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

25 “(G) Must comply with applicable health and fire and life safety require-
26 ments.

27 “(c) In the alternative to paragraphs (a) and (b) of this subsection, a
28 county may authorize up to six agri-tourism or other commercial events or
29 activities on a tract in a calendar year by a limited use permit that is per-
30 sonal to the applicant and is not transferred by, or transferable with, a

1 conveyance of the tract. The agri-tourism or other commercial events or
2 activities must meet any local standards that apply, and the agri-tourism or
3 other commercial events or activities:

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

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

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

9 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

25 “(v) Sanitation and solid waste.

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

1 agri-tourism or other commercial events or activities:

2 “(A) Are incidental and subordinate to existing commercial farm use of
3 the tract and are necessary to support the commercial farm uses or the
4 commercial agricultural enterprises in the area;

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

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

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

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

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

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

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

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

27 “(b) The county may issue the limited use permits authorized by sub-
28 section (4)(c) of this section for two calendar years. When considering an
29 application for renewal, the county shall ensure compliance with the pro-
30 visions of subsection (4)(c) of this section, any local standards that apply and

1 conditions that apply to the permit or to the agri-tourism or other commer-
2 cial events or activities authorized by the permit.

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

8
