

D R A F T

SUMMARY

Establishes limits on permissible uses of private park established on land zoned for exclusive farm use.

A BILL FOR AN ACT

Relating to private parks on land zoned for exclusive farm use; amending ORS 215.213 and 215.283.

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

SECTION 1. ORS 215.213, as amended by section 2, chapter 74, Oregon Laws 2012, is amended to read:

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

(a) Churches and cemeteries in conjunction with churches.

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

(c) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275.

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

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

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

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

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

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

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

1 The governing body or its designee shall provide for periodic review of the
2 hardship claimed under this paragraph. A temporary residence approved un-
3 der this paragraph is not eligible for replacement under paragraph (q) of this
4 subsection.

5 (j) Climbing and passing lanes within the right of way existing as of July
6 1, 1987.

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

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

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

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

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

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

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

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

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

29 (C) Has interior wiring for interior lights;

30 (D) Has a heating system; and

31 (E) In the case of replacement:

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

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

31 (r) Farm stands if:

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

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

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

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

29 (u) A facility for the processing of farm crops, or the production of biofuel
30 as defined in ORS 315.141, that is located on a farm operation that provides
31 at least one-quarter of the farm crops processed at the facility. The building

1 established for the processing facility shall not exceed 10,000 square feet of
2 floor area exclusive of the floor area designated for preparation, storage or
3 other farm use or devote more than 10,000 square feet to the processing ac-
4 tivities within another building supporting farm uses. A processing facility
5 shall comply with all applicable siting standards but the standards shall not
6 be applied in a manner that prohibits the siting of the processing facility.

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

8 (w) Irrigation reservoirs, canals, delivery lines and those structures and
9 accessory operational facilities, not including parks or other recreational
10 structures and facilities, associated with a district as defined in ORS 540.505.

11 (x) Utility facility service lines. Utility facility service lines are utility
12 lines and accessory facilities or structures that end at the point where the
13 utility service is received by the customer and that are located on one or
14 more of the following:

15 (A) A public right of way;

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

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

19 (y) Subject to the issuance of a license, permit or other approval by the
20 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
21 468B.053 or 468B.055, or in compliance with rules adopted under ORS
22 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
23 reclaimed water, agricultural or industrial process water or biosolids for
24 agricultural, horticultural or silvicultural production, or for irrigation in
25 connection with a use allowed in an exclusive farm use zone under this
26 chapter.

27 (z) 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
31 not exceed six per day; and

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

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, including
26 the processing of farm crops into biofuel not permitted under ORS 215.203
27 (2)(b)(K) or subsection (1)(u) of this section.

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

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

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

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

6 (e) Community centers owned by a governmental agency or a nonprofit
7 community organization and operated primarily by and for residents of the
8 local rural community, hunting and fishing preserves, public and private
9 parks, playgrounds and campgrounds. Subject to the approval of the county
10 governing body or its designee, a private campground may provide yurts for
11 overnight camping. No more than one-third or a maximum of 10 campsites,
12 whichever is smaller, may include a yurt. The yurt shall be located on the
13 ground or on a wood floor with no permanent foundation. Upon request of
14 a county governing body, the Land Conservation and Development Commis-
15 sion may provide by rule for an increase in the number of yurts allowed on
16 all or a portion of the campgrounds in a county if the commission determines
17 that the increase will comply with the standards described in ORS 215.296

18 (1). A public park or campground may be established as provided under ORS
19 195.120. **In addition to any farm uses allowed, a private park authorized**
20 **under this paragraph may provide only those nonfarm activities con-**
21 **stituting passive uses of a rural nature that do not have a significant**
22 **adverse effect on accepted farm or forest practices, including recre-**
23 **ational trails for nonmotorized use, boating and fishing and natural**
24 **or cultural resource education.** As used in this paragraph, “yurt” means
25 a round, domed shelter of cloth or canvas on a collapsible frame with no
26 plumbing, sewage disposal hookup or internal cooking appliance.

27 (f) Golf courses on land determined not to be high-value farmland as de-
28 fined in ORS 195.300.

29 (g) Commercial utility facilities for the purpose of generating power for
30 public use by sale.

31 (h) Personal-use airports for airplanes and helicopter pads, including as-

1 sociated hangar, maintenance and service facilities. A personal-use airport
2 as used in this section means an airstrip restricted, except for aircraft
3 emergencies, to use by the owner, and, on an infrequent and occasional basis,
4 by invited guests, and by commercial aviation activities in connection with
5 agricultural operations. No aircraft may be based on a personal-use airport
6 other than those owned or controlled by the owner of the airstrip. Ex-
7 ceptions to the activities permitted under this definition may be granted
8 through waiver action by the Oregon Department of Aviation in specific in-
9 stances. A personal-use airport lawfully existing as of September 13, 1975,
10 shall continue to be permitted subject to any applicable rules of the Oregon
11 Department of Aviation.

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

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

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

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

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

30 (m) The propagation, cultivation, maintenance and harvesting of aquatic
31 species that are not under the jurisdiction of the State Fish and Wildlife

1 Commission or insect species. Insect species shall not include any species
2 under quarantine by the State Department of Agriculture or the United
3 States Department of Agriculture. The county shall provide notice of all
4 applications under this paragraph to the State Department of Agriculture.
5 Notice shall be provided in accordance with the county's land use regu-
6 lations but shall be mailed at least 20 calendar days prior to any adminis-
7 trative decision or initial public hearing on the application.

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

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

10 (p) Construction of additional passing and travel lanes requiring the ac-
11 quisition of right of way but not resulting in the creation of new land par-
12 cels.

13 (q) Reconstruction or modification of public roads and highways involving
14 the removal or displacement of buildings but not resulting in the creation
15 of new land parcels.

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

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

22 (t) Room and board arrangements for a maximum of five unrelated persons
23 in existing residences.

24 (u) A living history museum related to resource based activities owned
25 and operated by a governmental agency or a local historical society, together
26 with limited commercial activities and facilities that are directly related to
27 the use and enjoyment of the museum and located within authentic buildings
28 of the depicted historic period or the museum administration building, if
29 areas other than an exclusive farm use zone cannot accommodate the mu-
30 seum and related activities or if the museum administration buildings and
31 parking lot are located within one quarter mile of the metropolitan urban

1 growth boundary. As used in this paragraph:

2 (A) "Living history museum" means a facility designed to depict and in-
3 terpret everyday life and culture of some specific historic period using au-
4 thentic buildings, tools, equipment and people to simulate past activities and
5 events; and

6 (B) "Local historical society" means the local historical society, recog-
7 nized as such by the county governing body and organized under ORS chap-
8 ter 65.

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

10 (w) An aerial fireworks display business that has been in continuous op-
11 eration at its current location within an exclusive farm use zone since De-
12 cember 31, 1986, and possesses a wholesaler's permit to sell or provide
13 fireworks.

14 (x) A landscape contracting business, as defined in ORS 671.520, or a
15 business providing landscape architecture services, as described in ORS
16 671.318, if the business is pursued in conjunction with the growing and
17 marketing of nursery stock on the land that constitutes farm use.

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

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

30 (a) The dwelling or activities associated with the dwelling will not force
31 a significant change in or significantly increase the cost of accepted farming

1 practices on nearby lands devoted to farm use.

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

7 (c) Complies with such other conditions as the governing body or its
8 designee considers necessary.

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

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

17 (b) If the lot or parcel is located within the Willamette River Greenway,
18 a floodplain or a geological hazard area, the dwelling complies with condi-
19 tions imposed by local ordinances relating specifically to the Willamette
20 River Greenway, floodplains or geological hazard areas, whichever is appli-
21 cable; and

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

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

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

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

30 (6) The notice required in subsection (5) of this section shall specify that
31 persons have 15 days following the date of postmark of the notice to file a

1 written objection on the grounds only that the dwelling or activities associ-
2 ated with it would force a significant change in or significantly increase the
3 cost of accepted farming practices on nearby lands devoted to farm use. If
4 no objection is received, the governing body or its designee shall approve or
5 disapprove the application. If an objection is received, the governing body
6 shall set the matter for hearing in the manner prescribed in ORS 215.402 to
7 215.438. The governing body may charge the reasonable costs of the notice
8 required by subsection (5)(a) of this section to the applicant for the permit
9 requested under subsection (4) of this section.

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

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

13 (A) A lot or parcel described in this section is contiguous to one or more
14 lots or parcels described in this section; and

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

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

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

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

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

30 (a) Adoption of an exception to the goal related to agricultural lands and
31 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 Conservation
3 and Development Commission as provided in section 3, chapter 529, Oregon
4 Laws 1993.

5 (11) 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 activity
16 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;

31 (iii) A traffic management plan that identifies the projected number of

1 vehicles and any anticipated use of public roads; and

2 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

1 other commercial events or activities:

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

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

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

7 (D) Must comply with ORS 215.296;

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

11 (F) Must comply with conditions established for:

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

16 (ii) The location of existing structures and the location of proposed tem-
17 porary structures to be used in connection with the agri-tourism or other
18 commercial events or activities;

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

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

23 (v) Sanitation and solid waste.

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

30 (A) Are incidental and subordinate to existing commercial farm use of the
31 tract and are necessary to support the commercial farm uses or the com-

1 mercial agricultural enterprises in the area;

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

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

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

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

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

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

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

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

24 (b) The county may issue the limited use permits authorized by subsection
25 (11)(c) of this section for two calendar years. When considering an applica-
26 tion for renewal, the county shall ensure compliance with the provisions of
27 subsection (11)(c) of this section, any local standards that apply and condi-
28 tions that apply to the permit or to the agri-tourism or other commercial
29 events or activities authorized by the permit.

30 (c) The authorizations provided by subsection (11) of this section are in
31 addition to other authorizations that may be provided by law, except that

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

4 **SECTION 2.** ORS 215.283, as amended by section 3, chapter 74, Oregon
5 Laws 2012, is amended to read:

6 215.283. (1) The following uses may be established in any area zoned for
7 exclusive farm use:

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

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

10 (c) Utility facilities necessary for public service, including wetland waste
11 treatment systems but not including commercial facilities for the purpose of
12 generating electrical power for public use by sale or transmission towers
13 over 200 feet in height. A utility facility necessary for public service may
14 be established as provided in ORS 215.275.

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-
31 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,

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

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

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

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

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

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

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

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

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

27 (o) Farm stands if:

28 (A) The structures are designed and used for the sale of farm crops or
29 livestock grown on the farm operation, or grown on the farm operation and
30 other farm operations in the local agricultural area, including the sale of
31 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
2 items and fees from promotional activity do not make up more than 25 per-
3 cent of the total annual sales of the farm stand; and

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

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

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

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

13 (C) Has interior wiring for interior lights;

14 (D) Has a heating system; and

15 (E) In the case of replacement:

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

1 of a new dwelling under the provisions of this paragraph, including a copy
2 of the deed restrictions and release statements filed under this paragraph;
3 and

4 (ii) For which the applicant has requested a deferred replacement permit,
5 is removed or demolished within three months after the deferred replacement
6 permit is issued. A deferred replacement permit allows construction of the
7 replacement dwelling at any time. If, however, the established dwelling is
8 not removed or demolished within three months after the deferred replace-
9 ment permit is issued, the permit becomes void. The replacement dwelling
10 must comply with applicable building codes, plumbing codes, sanitation codes
11 and other requirements relating to health and safety or to siting at the time
12 of construction. A deferred replacement permit may not be transferred, by
13 sale or otherwise, except by the applicant to the spouse or a child of the
14 applicant.

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

29 (r) A facility for the processing of farm crops, or the production of biofuel
30 as defined in ORS 315.141, that is located on a farm operation that provides
31 at least one-quarter of the farm crops processed at the facility. The building

1 established for the processing facility shall not exceed 10,000 square feet of
2 floor area exclusive of the floor area designated for preparation, storage or
3 other farm use or devote more than 10,000 square feet to the processing ac-
4 tivities within another building supporting farm uses. A processing facility
5 shall comply with all applicable siting standards but the standards shall not
6 be applied in a manner that prohibits the siting of the processing facility.

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

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

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

15 (A) A public right of way;

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

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

19 (v) Subject to the issuance of a license, permit or other approval by the
20 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
21 468B.053 or 468B.055, or in compliance with rules adopted under ORS
22 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
23 reclaimed water, agricultural or industrial process water or biosolids for
24 agricultural, horticultural or silvicultural production, or for irrigation in
25 connection with a use allowed in an exclusive farm use zone under this
26 chapter.

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

31 (x) Dog training classes or testing trials, which may be conducted out-

1 doors or in preexisting farm buildings, when:

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

5 (B) The number of dogs participating in a testing trial does not exceed
6 60 and the number of testing trials to be conducted on-site is limited to four
7 or fewer trials per calendar year.

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

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

14 (b) Operations conducted for:

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

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

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

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

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
31 the campgrounds in a county if the commission determines that the increase

1 will comply with the standards described in ORS 215.296 (1). **In addition to**
2 **any farm uses allowed, a private park authorized by this paragraph**
3 **may provide only those nonfarm activities constituting passive uses**
4 **of a rural nature that do not have a significant adverse effect on ac-**
5 **cepted farm or forest practices, including recreational trails for non-**
6 **motorized use, boating and fishing and natural or cultural resource**
7 **education.** As used in this paragraph, “yurt” means a round, domed shelter
8 of cloth or canvas on a collapsible frame with no plumbing, sewage disposal
9 hookup or internal cooking appliance.

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

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

22 (f) Golf courses on land determined not to be high-value farmland, as de-
23 fined in ORS 195.300.

24 (g) Commercial utility facilities for the purpose of generating power for
25 public use by sale.

26 (h) Personal-use airports for airplanes and helicopter pads, including as-
27 sociated hangar, maintenance and service facilities. A personal-use airport,
28 as used in this section, means an airstrip restricted, except for aircraft
29 emergencies, to use by the owner, and, on an infrequent and occasional basis,
30 by invited guests, and by commercial aviation activities in connection with
31 agricultural operations. No aircraft may be based on a personal-use airport

1 other than those owned or controlled by the owner of the airstrip. Ex-
2 ceptions to the activities permitted under this definition may be granted
3 through waiver action by the Oregon Department of Aviation in specific in-
4 stances. A personal-use airport lawfully existing as of September 13, 1975,
5 shall continue to be permitted subject to any applicable rules of the Oregon
6 Department of Aviation.

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

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

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

22 (L) One manufactured dwelling or recreational vehicle, or the temporary
23 residential use of an existing building, in conjunction with an existing
24 dwelling as a temporary use for the term of a hardship suffered by the ex-
25 isting resident or a relative of the resident. Within three months of the end
26 of the hardship, the manufactured dwelling or recreational vehicle shall be
27 removed or demolished or, in the case of an existing building, the building
28 shall be removed, demolished or returned to an allowed nonresidential use.
29 The governing body or its designee shall provide for periodic review of the
30 hardship claimed under this paragraph. A temporary residence approved un-
31 der this paragraph is not eligible for replacement under subsection (1)(p) of

1 this section.

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

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

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

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

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

16 (q) Construction of additional passing and travel lanes requiring the ac-
17 quisition of right of way but not resulting in the creation of new land par-
18 cels.

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

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

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

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

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

31 (w) Expansion of existing county fairgrounds and activities directly re-

1 lating to county fairgrounds governed by county fair boards established
2 pursuant to ORS 565.210.

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

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

16 (B) "Local historical society" means the local historical society recog-
17 nized by the county governing body and organized under ORS chapter 65.

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

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

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

29 (3) Roads, highways and other transportation facilities and improvements
30 not allowed under subsections (1) and (2) of this section may be established,
31 subject to the approval of the governing body or its designee, in areas zoned

1 for exclusive farm use subject to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (D) May not include the artificial amplification of music or voices before
21 8 a.m. or after 8 p.m.;

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

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

27 (G) Must comply with applicable health and fire and life safety require-
28 ments.

29 (c) In the alternative to paragraphs (a) and (b) of this subsection, a
30 county may authorize up to six agri-tourism or other commercial events or
31 activities on a tract in a calendar year by a limited use permit that is per-

1 sonal to the applicant and is not transferred by, or transferable with, a
2 conveyance of the tract. The agri-tourism or other commercial events or
3 activities must meet any local standards that apply, and the agri-tourism or
4 other commercial events or activities:

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

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

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

10 (D) Must comply with ORS 215.296;

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

14 (F) Must comply with conditions established for:

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

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

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

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

26 (v) Sanitation and solid waste.

27 (d) In addition to paragraphs (a) to (c) of this subsection, a county may
28 authorize agri-tourism or other commercial events or activities that occur
29 more frequently or for a longer period or that do not otherwise comply with
30 paragraphs (a) to (c) of this subsection if the agri-tourism or other commer-
31 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 the
3 tract and are necessary to support the commercial farm uses or the com-
4 mercial 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 subsection
28 (4)(c) of this section for two calendar years. When considering an application
29 for renewal, the county shall ensure compliance with the provisions of sub-
30 section (4)(c) of this section, any local standards that apply and conditions
31 that apply to the permit or to the agri-tourism or other commercial events

1 or activities authorized by the permit.

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

7
