

House Bill 3336

Sponsored by COMMITTEE ON LAND USE

SUMMARY

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

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

A BILL FOR AN ACT

1
2 Relating to private parks on land zoned for exclusive farm use; amending ORS 215.213 and 215.283.

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

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

6 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
7 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

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

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

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

29 (g) Operations for the exploration for and production of geothermal resources as defined by ORS
30 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
31 compressors, separators and other customary production equipment for an individual well adjacent

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

1 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
 2 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

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

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

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

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

33 (C) Has interior wiring for interior lights;

34 (D) Has a heating system; and

35 (E) In the case of replacement:

36 (i) Is removed, demolished or converted to an allowable nonresidential use within three months
 37 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of
 38 the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable
 39 siting standards. However, the standards shall not be applied in a manner that prohibits the siting
 40 of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned
 41 for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the
 42 deed records for the county where the property is located a deed restriction prohibiting the siting
 43 of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless
 44 a statement of release is placed in the deed records for the county. The release shall be signed by
 45 the county or its designee and state that the provisions of this paragraph regarding replacement

1 dwellings have changed to allow the siting of another dwelling. The county planning director or the
2 director's designee shall maintain a record of the lots and parcels that do not qualify for the siting
3 of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions
4 and release statements filed under this paragraph; and

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

13 (r) Farm stands if:

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

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

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

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

37 (u) A facility for the processing of farm crops, or the production of biofuel as defined in ORS
38 315.141, that is located on a farm operation that provides at least one-quarter of the farm crops
39 processed at the facility. The building established for the processing facility shall not exceed 10,000
40 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm
41 use or devote more than 10,000 square feet to the processing activities within another building
42 supporting farm uses. A processing facility shall comply with all applicable siting standards but the
43 standards shall not be applied in a manner that prohibits the siting of the processing facility.

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

45 (w) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational

1 facilities, not including parks or other recreational structures and facilities, associated with a dis-
 2 trict as defined in ORS 540.505.

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

6 (A) A public right of way;

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

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

10 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-
 11 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
 12 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
 13 of reclaimed water, agricultural or industrial process water or biosolids for agricultural,
 14 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
 15 exclusive farm use zone under this chapter.

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

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

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

22 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
 23 the following uses may be established in any area zoned for exclusive farm use subject to ORS
 24 215.296:

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

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

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

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

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

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

41 (c) Commercial activities that are in conjunction with farm use, including the processing of farm
 42 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or subsection (1)(u) of this section.

43 (d) Operations conducted for:

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

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

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

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

5 (e) Community centers owned by a governmental agency or a nonprofit community organization
 6 and operated primarily by and for residents of the local rural community, hunting and fishing pre-
 7 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the
 8 county governing body or its designee, a private campground may provide yurts for overnight
 9 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include
 10 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
 11 Upon request of a county governing body, the Land Conservation and Development Commission may
 12 provide by rule for an increase in the number of yurts allowed on all or a portion of the
 13 campgrounds in a county if the commission determines that the increase will comply with the stan-
 14 dards described in ORS 215.296 (1). A public park or campground may be established as provided
 15 under ORS 195.120. **In addition to any farm uses allowed, a private park authorized under this**
 16 **paragraph may provide only those nonfarm activities constituting passive uses of a rural**
 17 **nature that do not have a significant adverse effect on accepted farm or forest practices,**
 18 **including recreational trails for nonmotorized use, boating and fishing and natural or cul-**
 19 **tural resource education.** As used in this paragraph, “yurt” means a round, domed shelter of cloth
 20 or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking ap-
 21 pliance.

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

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

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

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

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

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

45 (B) Dog training classes or testing trials that cannot be established under subsection (1)(z) of

1 this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
45 a single-family residential dwelling not provided in conjunction with farm use may be established

1 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by
2 the Agricultural Capability Classification System in use by the United States Department of Agri-
3 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval
4 of the governing body or its designee in any area zoned for exclusive farm use upon written findings
5 showing all of the following:

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

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

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

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

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

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

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

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

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

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

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

41 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
42 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (i) Planned hours of operation;

39 (ii) Access, egress and parking;

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

42 (iv) Sanitation and solid waste.

43 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
 44 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
 45 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-

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

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

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

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

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

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

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

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

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

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

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

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

24 (D) Must comply with ORS 215.296;

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

27 (F) Must comply with conditions established for:

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

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

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

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

37 (v) Sanitation and solid waste.

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

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

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

1 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
2 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) of this section must
5 request review of the permit at four-year intervals. Upon receipt of a request for review, the county
6 shall:

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

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

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

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

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

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

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

30 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

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

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

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

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

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

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

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

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

19 (k) Minor betterment of existing public road and highway related facilities such as maintenance
20 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous
21 public-owned property 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 the existing dwelling has
24 been listed in a county inventory as historic property 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 livestock grown on the
29 farm operation, or grown on the farm operation and other farm operations in the local agricultural
30 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm
31 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-
32 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
33 and

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

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

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

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

41 (C) Has interior wiring for interior lights;

42 (D) Has a heating system; and

43 (E) In the case of replacement:

44 (i) Is removed, demolished or converted to an allowable nonresidential use within three months
45 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of

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

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

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

32 (r) A facility for the processing of farm crops, or the production of biofuel as defined in ORS
 33 315.141, that is located on a farm operation that provides at least one-quarter of the farm crops
 34 processed at the facility. The building established for the processing facility shall not exceed 10,000
 35 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm
 36 use or devote more than 10,000 square feet to the processing activities within another building
 37 supporting farm uses. A processing facility shall comply with all applicable siting standards but the
 38 standards shall not be applied in a manner that prohibits the siting of the processing facility.

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

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

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

- 1 (A) A public right of way;
- 2 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-
 3 jacent property owners has been obtained; or
- 4 (C) The property to be served by the utility.
- 5 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
 6 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
 7 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
 8 of reclaimed water, agricultural or industrial process water or biosolids for agricultural,
 9 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
 10 exclusive farm use zone under this chapter.
- 11 (w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to
 12 provide rural law enforcement services primarily in rural areas, including parole and post-prison
 13 supervision, but not including a correctional facility as defined under ORS 162.135.
- 14 (x) Dog training classes or testing trials, which may be conducted outdoors or in preexisting
 15 farm buildings, when:
- 16 (A) The number of dogs participating in training does not exceed 10 dogs per training class and
 17 the number of training classes to be held on-site does not exceed six per day; and
- 18 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of
 19 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.
- 20 (2) The following nonfarm uses may be established, subject to the approval of the governing body
 21 or its designee in any area zoned for exclusive farm use subject to ORS 215.296:
- 22 (a) Commercial activities that are in conjunction with farm use, including the processing of farm
 23 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or subsection (1)(r) of this section.
- 24 (b) Operations conducted for:
- 25 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas
 26 as defined by ORS 520.005 not otherwise permitted under subsection (1)(f) of this section;
- 27 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-
 28 sources subject to ORS 215.298;
- 29 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and
- 30 (D) Processing of other mineral resources and other subsurface resources.
- 31 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the
 32 approval of the county governing body or its designee, a private campground may provide yurts for
 33 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,
 34 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent
 35 foundation. Upon request of a county governing body, the Land Conservation and Development
 36 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion
 37 of the campgrounds in a county if the commission determines that the increase will comply with the
 38 standards described in ORS 215.296 (1). **In addition to any farm uses allowed, a private park**
 39 **authorized by this paragraph may provide only those nonfarm activities constituting passive**
 40 **uses of a rural nature that do not have a significant adverse effect on accepted farm or**
 41 **forest practices, including recreational trails for nonmotorized use, boating and fishing and**
 42 **natural or cultural resource education.** As used in this paragraph, “yurt” means a round, domed
 43 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or
 44 internal cooking appliance.
- 45 (d) Parks and playgrounds. A public park may be established consistent with the provisions of

1 ORS 195.120.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable

1 goal with which the facility or improvement does not comply; or

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

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

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

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

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

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

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

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

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

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

24 (i) Planned hours of operation;

25 (ii) Access, egress and parking;

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

28 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

10 (D) Must comply with ORS 215.296;

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

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

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

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

23 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

44 (a) A county may authorize the use of temporary structures established in connection with the
 45 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.

1 However, the temporary structures must be removed at the end of the agri-tourism or other event
2 or activity. The county may not approve an alteration to the land in connection with an agri-tourism
3 or other commercial event or activity authorized under subsection (4) of this section, including, but
4 not limited to, grading, filling or paving.

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

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

14