

House Bill 2829

Sponsored by Representative HELM

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**.

Modifies provisions authorizing private parks in exclusive farm use zones.

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A BILL FOR AN ACT

Relating to private parks in exclusive farm use zones; creating new provisions; and amending ORS 215.213 and 215.283.

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

SECTION 1. ORS 215.213 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:

(A) ORS 215.275; or

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

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

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

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

(g) Operations for the exploration for and production of geothermal resources as defined by ORS

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.

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

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

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

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

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

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

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

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

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

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

31 (q) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, restoration or replacement
32 of a lawfully established dwelling.

33 (r) Farm stands if:

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

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

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

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

12 (u) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
13 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
14 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
15 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
16 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
17 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
18 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
19 cable siting standards but the standards may not be applied in a manner that prohibits the siting
20 of the processing facility or establishment.

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

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

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

28 (A) A public right of way;

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

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

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

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

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

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

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

1 215.296:

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

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

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

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

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

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

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

20 (d) Operations conducted for:

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

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

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

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

27 (e) **Subject to section 5 of this 2015 Act**, community centers owned by a governmental agency
28 or a nonprofit community organization and operated primarily by and for residents of the local rural
29 community, hunting and fishing preserves, public and private parks, playgrounds and campgrounds.
30 *[Subject to the approval of the county governing body or its designee, a private campground may pro-*
31 *vide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever*
32 *is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no*
33 *permanent foundation. Upon request of a county governing body, the Land Conservation and Develop-*
34 *ment Commission may provide by rule for an increase in the number of yurts allowed on all or a*
35 *portion of the campgrounds in a county if the commission determines that the increase will comply with*
36 *the standards described in ORS 215.296 (1).] A public park or campground may be established as*
37 *provided under ORS 195.120. [As used in this paragraph, "yurt" means a round, domed shelter of cloth*
38 *or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking ap-*
39 *pliance.]*

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

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

42 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
43 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-
44 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional
45 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-

1 erations. No aircraft may be based on a personal-use airport other than those owned or controlled
2 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be
3 granted through waiver action by the Oregon Department of Aviation in specific instances. A
4 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
5 ject to any applicable rules of the Oregon Department of Aviation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
15 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (i) Planned hours of operation;

12 (ii) Access, egress and parking;

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

15 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

42 (D) Must comply with ORS 215.296;

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

45 (F) Must comply with conditions established for:

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

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

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

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

10 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

1 **SECTION 2.** ORS 215.213, as amended by section 7, chapter 462, Oregon Laws 2013, is amended
2 to read:

3 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
4 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

11 (A) ORS 215.275; or

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

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. Notwithstanding
19 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
32 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
33 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

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

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

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

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

19 (C) Has interior wiring for interior lights;

20 (D) Has a heating system; and

21 (E) In the case of replacement:

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

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

44 (r) Farm stands if:

45 (A) The structures are designed and used for the sale of farm crops or livestock grown on the

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

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

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

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

23 (u) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
24 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
25 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
26 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
27 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
28 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
29 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
30 cable siting standards but the standards may not be applied in a manner that prohibits the siting
31 of the processing facility or establishment.

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

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

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

39 (A) A public right of way;

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

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

43 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-
44 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
45 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application

1 of reclaimed water, agricultural or industrial process water or biosolids for agricultural,
 2 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
 3 exclusive farm use zone under this chapter.

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

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

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

10 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
 11 the following uses may be established in any area zoned for exclusive farm use subject to ORS
 12 215.296:

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

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

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

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

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

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

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

31 (d) Operations conducted for:

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

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

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

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

38 (e) **Subject to section 5 of this 2015 Act**, community centers owned by a governmental agency
 39 or a nonprofit community organization and operated primarily by and for residents of the local rural
 40 community, hunting and fishing preserves, public and private parks, playgrounds and campgrounds.
 41 *[Subject to the approval of the county governing body or its designee, a private campground may pro-*
 42 *vide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever*
 43 *is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no*
 44 *permanent foundation. Upon request of a county governing body, the Land Conservation and Develop-*
 45 *ment Commission may provide by rule for an increase in the number of yurts allowed on all or a*

1 *portion of the campgrounds in a county if the commission determines that the increase will comply with*
2 *the standards described in ORS 215.296 (1).] A public park or campground may be established as*
3 *provided under ORS 195.120. [As used in this paragraph, “yurt” means a round, domed shelter of cloth*
4 *or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking ap-*
5 *pliance.]*

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (r) Improvement of public road and highway related facilities such as maintenance yards, weigh

1 stations and rest areas, where additional property or right of way is required but not resulting in
2 the creation of new land parcels.

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (4) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
44 one single-family dwelling, not provided in conjunction with farm use, may be established in any
45 area zoned for exclusive farm use on a lot or parcel described in subsection (7) of this section that

1 is not larger than three acres upon written findings showing:

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

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

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

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

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

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

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

25 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
26 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

45 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development

1 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

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

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

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

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

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

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

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

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

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

22 (i) Planned hours of operation;

23 (ii) Access, egress and parking;

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

26 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

44 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
45 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited

1 use permit that is personal 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 activities must meet any
 3 local standards that apply, and the agri-tourism or other commercial events or activities:

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

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

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

8 (D) Must comply with ORS 215.296;

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

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

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

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

21 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

42 (a) A county may authorize the use of temporary structures established in connection with the
 43 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-
 44 tion. However, the temporary structures must be removed at the end of the agri-tourism or other
 45 event or activity. The county may not approve an alteration to the land in connection with an

1 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,
2 including, but not limited to, grading, filling or paving.

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

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

12 **SECTION 3.** ORS 215.283 is amended to read:

13 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

20 (A) ORS 215.275; or

21 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
22 469.300.

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

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

35 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
36 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
37 compressors, separators and other customary production equipment for an individual well adjacent
38 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
39 an exception under ORS 197.732 (2)(a) or (b).

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

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

44 (i) Reconstruction or modification of public roads and highways, including the placement of
45 utility facilities overhead and in the subsurface of public roads and highways along the public right

1 of way, but not including the addition of travel lanes, where no removal or displacement of buildings
2 would occur, or no new land parcels result.

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

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

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

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

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

13 (o) 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 (p) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, restoration or replacement
24 of a lawfully established dwelling.

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

36 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
37 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
38 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
39 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
40 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
41 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
42 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
43 cable siting standards but the standards may not be applied in a manner that prohibits the siting
44 of the processing facility or establishment.

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

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

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

7 (A) A public right of way;

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

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

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

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

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

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

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

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

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

30 (b) Operations conducted for:

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

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

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

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

37 (c) **Subject to section 5 of this 2015 Act**, private parks, playgrounds, hunting and fishing pre-
38 serves and campgrounds. *[Subject to the approval of the county governing body or its designee, a*
39 *private campground may provide yurts for overnight camping. No more than one-third or a maximum*
40 *of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or*
41 *on a wood floor with no permanent foundation. Upon request of a county governing body, the Land*
42 *Conservation and Development Commission may provide by rule for an increase in the number of yurts*
43 *allowed on all or a portion of the campgrounds in a county if the commission determines that the in-*
44 *crease will comply with the standards described in ORS 215.296 (1). As used in this paragraph,*
45 *“yurt” means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing,*

1 *sewage disposal hookup or internal cooking appliance.]*

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

4 (e) Community centers owned by a governmental agency or a nonprofit community organization
5 and operated primarily by and for residents of the local rural community. A community center au-
6 thorized under this paragraph may provide services to veterans, including but not limited to emer-
7 gency and transitional shelter, preparation and service of meals, vocational and educational
8 counseling and referral to local, state or federal agencies providing medical, mental health, disability
9 income replacement and substance abuse services, only in a facility that is in existence on January
10 1, 2006. The services may not include direct delivery of medical, mental health, disability income
11 replacement or substance abuse services.

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

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

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

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

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

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

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

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

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

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

1 this section.

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

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

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

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

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

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

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

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

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

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

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

36 (y) 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 (z) 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 (aa) 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) Roads, highways and other transportation facilities and improvements not allowed under
 45 subsections (1) and (2) of this section may be established, subject to the approval of the governing

1 body or its designee, in areas zoned for exclusive farm use subject to:

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

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

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

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

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

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

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

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

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

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

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

26 (i) Planned hours of operation;

27 (ii) Access, egress and parking;

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

30 (iv) Sanitation and solid waste.

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

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

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

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

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

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

45 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining

1 properties consent, in writing, to the location; and

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

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

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

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

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

12 (D) Must comply with ORS 215.296;

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

15 (F) Must comply with conditions established for:

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

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

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

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

25 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

16 **SECTION 4.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, is amended
 17 to read:

18 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

25 (A) ORS 215.275; or

26 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
 27 469.300.

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

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

40 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
 41 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
 42 compressors, separators and other customary production equipment for an individual well adjacent
 43 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
 44 an exception under ORS 197.732 (2)(a) or (b).

45 (g) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or

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

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

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

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

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

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

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

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

18 (o) Farm stands if:

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

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

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

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

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

32 (C) Has interior wiring for interior lights;

33 (D) Has a heating system; and

34 (E) In the case of replacement:

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

1 director's designee shall maintain a record of the lots and parcels that do not qualify for the siting
2 of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions
3 and release statements filed under this paragraph; and

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

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

23 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
24 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
25 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
26 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
27 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
28 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
29 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
30 cable siting standards but the standards may not be applied in a manner that prohibits the siting
31 of the processing facility or establishment.

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

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

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

39 (A) A public right of way;

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

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

43 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
44 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
45 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application

1 of reclaimed water, agricultural or industrial process water or biosolids for agricultural,
2 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
3 exclusive farm use zone under this chapter.

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

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

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

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

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

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

17 (b) Operations conducted for:

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

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

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

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

24 (c) **Subject to section 5 of this 2015 Act**, private parks, playgrounds, hunting and fishing pre-
25 serves and campgrounds. *[Subject to the approval of the county governing body or its designee, a*
26 *private campground may provide yurts for overnight camping. No more than one-third or a maximum*
27 *of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or*
28 *on a wood floor with no permanent foundation. Upon request of a county governing body, the Land*
29 *Conservation and Development Commission may provide by rule for an increase in the number of yurts*
30 *allowed on all or a portion of the campgrounds in a county if the commission determines that the in-*
31 *crease will comply with the standards described in ORS 215.296 (1). As used in this paragraph,*
32 *“yurt” means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing,*
33 *sewage disposal hookup or internal cooking appliance.]*

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

36 (e) Community centers owned by a governmental agency or a nonprofit community organization
37 and operated primarily by and for residents of the local rural community. A community center au-
38 thorized under this paragraph may provide services to veterans, including but not limited to emer-
39 gency and transitional shelter, preparation and service of meals, vocational and educational
40 counseling and referral to local, state or federal agencies providing medical, mental health, disability
41 income replacement and substance abuse services, only in a facility that is in existence on January
42 1, 2006. The services may not include direct delivery of medical, mental health, disability income
43 replacement or substance abuse services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (i) Planned hours of operation;

14 (ii) Access, egress and parking;

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

17 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

44 (D) Must comply with ORS 215.296;

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

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

2 (F) Must comply with conditions established for:

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

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

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

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

12 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **SECTION 5. (1) As used in this section, ORS 215.213 and 215.283:**

4 (a) “Private park” means an area with natural or ornamental qualities that provides
5 passive outdoor recreational opportunities, including but not limited to picnicking, boating,
6 fishing, swimming, hiking and viewing nature or wildlife habitat.

7 (b) “Yurt” means a round, domed shelter of cloth or canvas on a collapsible frame that
8 does not have plumbing, a sewage disposal hookup or an internal cooking appliance.

9 (2) A private park allowed under ORS 215.213 (2)(e) or 215.283 (2)(c) may not provide fa-
10 cilities or be used for active outdoor recreational opportunities, including but not limited to
11 paintball and tracks, or off-road trails, for motor vehicle use.

12 (3) Subject to the approval of the governing body of a county, or its designee, a private
13 campground allowed under ORS 215.213 (2)(e) or 215.283 (2)(c) may provide yurts for over-
14 night camping. Up to one-third or a maximum of 10 campsites, whichever is fewer, may in-
15 clude a yurt. A yurt must be located on the ground or on a wood floor and may not have a
16 permanent foundation.

17 (4) Upon request of the governing body of a county, the Land Conservation and Devel-
18 opment Commission may provide by rule for an increase in the number of yurts allowed on
19 all or a portion of the campgrounds in the county if the commission determines that the
20 increase will comply with the standards described in ORS 215.296 (1).

21 (5) The provisions of this section, ORS 215.213 (2)(e) and 215.283 (2)(c) do not prohibit the
22 siting of a private park in conjunction with a use or activity authorized under ORS 215.213
23 (11), 215.283 (4), 215.441, 215.448, 215.452, 215.453, 215.457 or 215.459.

24 **SECTION 6. Section 5 of this 2015 Act and the amendments to ORS 215.213 and 215.283**
25 **by sections 1 to 4 of this 2015 Act apply to the establishment of a private park for which local**
26 **land use approval has not been granted before the effective date of this 2015 Act.**

27