

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2829**

1 On page 1 of the printed bill, delete lines 5 through 32 and delete pages  
2 2 through 34 and insert:

3 **SECTION 1.** ORS 215.213 is amended to read:

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

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

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

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

14 “(A) ORS 215.275; or

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

17 “(d) A dwelling on real property used for farm use if the dwelling is oc-  
18 cupied by a relative of the farm operator or the farm operator’s spouse,  
19 which means a child, parent, stepparent, grandchild, grandparent,  
20 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,  
21 if the farm operator does or will require the assistance of the relative in the  
22 management of the farm use and the dwelling is located on the same lot or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(q) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, res-  
25 toration or replacement of a lawfully established dwelling.

26 “(r) Farm stands if:

27 “(A) The structures are designed and used for the sale of farm crops or  
28 livestock grown on the farm operation, or grown on the farm operation and  
29 other farm operations in the local agricultural area, including the sale of  
30 retail incidental items and fee-based activity to promote the sale of farm

1 crops or livestock sold at the farm stand if the annual sale of incidental  
2 items and fees from promotional activity do not make up more than 25 per-  
3 cent of the total annual sales of the farm stand; and

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

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

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

25 “(u) A facility for the processing of farm crops or for the production of  
26 biofuel, as defined in ORS 315.141, if the facility is located on a farm oper-  
27 ation that provides at least one-quarter of the farm crops processed at the  
28 facility, or an establishment for the slaughter, processing or selling of  
29 poultry or poultry products pursuant to ORS 603.038. If a building is estab-  
30 lished or used for the processing facility or establishment, the farm operator

1 may not devote more than 10,000 square feet of floor area to the processing  
2 facility or establishment, exclusive of the floor area designated for prepara-  
3 tion, storage or other farm use. A processing facility or establishment must  
4 comply with all applicable siting standards but the standards may not be  
5 applied in a manner that prohibits the siting of the processing facility or  
6 establishment.

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

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

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

15 “(A) A public right of way;

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

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

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

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

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

1 not exceed six per day; and

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

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

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

11 “(A) Consists of 20 or more acres; and

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

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

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

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

26 “(c) Commercial activities that are in conjunction with farm use, includ-  
27 ing the processing of farm crops into biofuel not permitted under ORS  
28 215.203 (2)(b)(K) or subsection (1)(u) of this section.

29 “(d) Operations conducted for:

30 “(A) Mining and processing of geothermal resources as defined by ORS

1 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted  
2 under subsection (1)(g) of this section;

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

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

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

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

25 “(B) **A private park allowed under this section may not be used or**  
26 **provide facilities for actual or reasonably anticipated assemblies of**  
27 **more than 3,000 persons for organized sporting events or for active**  
28 **outdoor recreational opportunities, including paintball facilities, mo-**  
29 **torcycle tracks and off-road trails for motor vehicle use.**

30 “(C) **As used in this paragraph, ‘private park’ means an area on**

1 **land determined to be high-value farmland, as defined in ORS 195.300,**  
2 **with natural or ornamental qualities that provides passive outdoor**  
3 **recreational opportunities, including but not limited to picnicking,**  
4 **boating, fishing, swimming, hiking and viewing nature.**

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

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

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

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



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

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

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

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

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

18 “(n) Home occupations as provided in ORS 215.448.

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

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

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

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

30 “(s) A destination resort that is approved consistent with the require-

1 ments of any statewide planning goal relating to the siting of a destination  
2 resort.

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

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

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

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

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

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

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

30 “(y) Public or private schools for kindergarten through grade 12, includ-

1 ing all buildings essential to the operation of a school, primarily for resi-  
2 dents of the rural area in which the school is located.

3 “(3) In counties that have adopted marginal lands provisions under ORS  
4 197.247 (1991 Edition), a single-family residential dwelling not provided in  
5 conjunction with farm use may be established on a lot or parcel with soils  
6 predominantly in capability classes IV through VIII as determined by the  
7 Agricultural Capability Classification System in use by the United States  
8 Department of Agriculture Soil Conservation Service on October 15, 1983. A  
9 proposed dwelling is subject to approval of the governing body or its  
10 designee in any area zoned for exclusive farm use upon written findings  
11 showing all of the following:

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

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

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

22 “(4) In counties that have adopted marginal lands provisions under ORS  
23 197.247 (1991 Edition), one single-family dwelling, not provided in conjunc-  
24 tion with farm use, may be established in any area zoned for exclusive farm  
25 use on a lot or parcel described in subsection (7) of this section that is not  
26 larger than three acres upon written findings showing:

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

30 “(b) If the lot or parcel is located within the Willamette River Greenway,

1 a floodplain or a geological hazard area, the dwelling complies with condi-  
2 tions imposed by local ordinances relating specifically to the Willamette  
3 River Greenway, floodplains or geological hazard areas, whichever is appli-  
4 cable; and

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

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

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

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

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

24 “(7) Subsection (4) of this section applies to a lot or parcel lawfully cre-  
25 ated between January 1, 1948, and July 1, 1983. For the purposes of this  
26 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  
29 lots or parcels described in this section; and

30 “(B) On July 1, 1983, greater than possessory interests are held in those

1 contiguous lots, parcels or lots and parcels by the same person, spouses or  
2 a single partnership or business entity, separately or in tenancy in common.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(i) Planned hours of operation;

16 “(ii) Access, egress and parking;

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

19 “(iv) Sanitation and solid waste.

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

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

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

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

4 “(D) May not include the artificial amplification of music or voices before  
5 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

25 “(D) Must comply with ORS 215.296;

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

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

30 “(i) The types of agri-tourism or other commercial events or activities

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

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

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

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

11 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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



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

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

5 “(a) A county may authorize the use of temporary structures established  
6 in connection with the agri-tourism or other commercial events or activities  
7 authorized under subsection (11) of this section. However, the temporary  
8 structures must be removed at the end of the agri-tourism or other event or  
9 activity. The county may not approve an alteration to the land in connection  
10 with an agri-tourism or other commercial event or activity authorized under  
11 subsection (11) of this section, including, but not limited to, grading, filling  
12 or paving.

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

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

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

26 “215.213. (1) In counties that have adopted marginal lands provisions un-  
27 der ORS 197.247 (1991 Edition), the following uses may be established in any  
28 area zoned for exclusive farm use:

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

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

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

6 “(A) ORS 215.275; or

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

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

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

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

29 “(g) Operations for the exploration for and production of geothermal re-  
30 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,

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

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

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

19 “(j) Climbing and passing lanes within the right of way existing as of July  
20 1, 1987.

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

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

28 “(m) Minor betterment of existing public road and highway related facil-  
29 ities, such as maintenance yards, weigh stations and rest areas, within right  
30 of way existing as of July 1, 1987, and contiguous public-owned property

1 utilized to support the operation and maintenance of public roads and high-  
2 ways.

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

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

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

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

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

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

13 “(C) Has interior wiring for interior lights;

14 “(D) Has a heating system; and

15 “(E) In the case of replacement:

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

1 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  
3 of the deed restrictions and release statements filed under this paragraph;  
4 and

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

16 “(r) Farm stands if:

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

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

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

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

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

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

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

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

5 “(A) A public right of way;

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

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

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

17 “(z) Dog training classes or testing trials, which may be conducted out-  
18 doors or in preexisting farm buildings, when:

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

22 “(B) The number of dogs participating in a testing trial does not exceed  
23 60 and the number of testing trials to be conducted on-site is limited to four  
24 or fewer trials per calendar year.

25 “(2) In counties that have adopted marginal lands provisions under ORS  
26 197.247 (1991 Edition), the following uses may be established in any area  
27 zoned for exclusive farm use subject to ORS 215.296:

28 “(a) A primary dwelling in conjunction with farm use or the propagation  
29 or harvesting of a forest product on a lot or parcel that is managed as part  
30 of a farm operation or woodlot if the farm operation or woodlot:

1       “(A) Consists of 20 or more acres; and

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

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

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

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

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

19       “(d) Operations conducted for:

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

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

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

27       “(D) Processing of other mineral resources and other subsurface re-  
28 sources.

29       “(e)(A) Community centers owned by a governmental agency or a  
30 nonprofit community organization and operated primarily by and for resi-



1 dents of the local rural community, hunting and fishing preserves, public and  
2 private parks, playgrounds and campgrounds. [*Subject to the approval of the*  
3 *county governing body or its designee, a private campground may provide yurts*  
4 *for overnight camping. No more than one-third or a maximum of 10 campsites,*  
5 *whichever is smaller, may include a yurt. The yurt shall be located on the*  
6 *ground or on a wood floor with no permanent foundation. Upon request of a*  
7 *county governing body, the Land Conservation and Development Commission*  
8 *may provide by rule for an increase in the number of yurts allowed on all or*  
9 *a portion of the campgrounds in a county if the commission determines that*  
10 *the increase will comply with the standards described in ORS 215.296 (1).] A  
11 public park or campground may be established as provided under ORS  
12 195.120. [*As used in this paragraph, ‘yurt’ means a round, domed shelter of*  
13 *cloth or canvas on a collapsible frame with no plumbing, sewage disposal*  
14 *hookup or internal cooking appliance.]**

15 **“(B) A private park allowed under this section may not be used or**  
16 **provide facilities for actual or reasonably anticipated assemblies of**  
17 **more than 3,000 persons for organized sporting events or for active**  
18 **outdoor recreational opportunities, including paintball facilities, mo-**  
19 **torcycle tracks and off-road trails for motor vehicle use.**

20 **“(C) As used in this paragraph, ‘private park’ means an area on**  
21 **land determined to be high-value farmland, as defined in ORS 195.300,**  
22 **with natural or ornamental qualities that provides passive outdoor**  
23 **recreational opportunities, including but not limited to picnicking,**  
24 **boating, fishing, swimming, hiking and viewing nature.**

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

27 **“(g) Commercial utility facilities for the purpose of generating power for**  
28 **public use by sale.**

29 **“(h) Personal-use airports for airplanes and helicopter pads, including**  
30 **associated hangar, maintenance and service facilities. A personal-use airport**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 “(x) A landscape contracting business, as defined in ORS 671.520, or a  
17 business providing landscape architecture services, as described in ORS  
18 671.318, if the business is pursued in conjunction with the growing and  
19 marketing of nursery stock on the land that constitutes farm use.

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

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

1 showing all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 “(F) The agri-tourism or other commercial event or activity occurs out-

1 doors, in temporary structures, or in existing permitted structures, subject  
2 to health and fire and life safety requirements; and

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

5 “(i) Planned hours of operation;

6 “(ii) Access, egress and parking;

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

9 “(iv) Sanitation and solid waste.

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

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

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

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

24 “(D) May not include the artificial amplification of music or voices before  
25 8 a.m. or after 8 p.m.;

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

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



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

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

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

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

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

15 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

1 “(v) Sanitation and solid waste.

2 “(d) In addition to paragraphs (a) to (c) of this subsection, a county may  
3 authorize agri-tourism or other commercial events or activities that occur  
4 more frequently or for a longer period or that do not otherwise comply with  
5 paragraphs (a) to (c) of this subsection if the agri-tourism or other commer-  
6 cial events or activities comply with any local standards that apply and the  
7 agri-tourism or other commercial events or activities:

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

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

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

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

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

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

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

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

25 “(a) A county may authorize the use of temporary structures established  
26 in connection with the agri-tourism or other commercial events or activities  
27 authorized under subsection (11) of this section. However, the temporary  
28 structures must be removed at the end of the agri-tourism or other event or  
29 activity. The county may not approve an alteration to the land in connection  
30 with an agri-tourism or other commercial event or activity authorized under

1 subsection (11) of this section, including, but not limited to, grading, filling  
2 or paving.

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

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

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

15 “215.283. (1) The following uses may be established in any area zoned for  
16 exclusive farm use:

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

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

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

24 “(A) ORS 215.275; or

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

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

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

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

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

18 “(g) Operations for the exploration for minerals as defined by ORS  
19 517.750. Any activities or construction relating to such operations shall not  
20 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

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

30 “(k) Minor betterment of existing public road and highway related facili-

1 ties such as maintenance yards, weigh stations and rest areas, within right  
2 of way existing as of July 1, 1987, and contiguous public-owned property  
3 utilized to support the operation and maintenance of public roads and high-  
4 ways.

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

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

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

10 “(o) Farm stands if:

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

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

22 “(p) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, res-  
23 toration or replacement of a lawfully established dwelling.

24 “(q) A site for the takeoff and landing of model aircraft, including such  
25 buildings or facilities as may reasonably be necessary. Buildings or facilities  
26 shall not be more than 500 square feet in floor area or placed on a permanent  
27 foundation unless the building or facility preexisted the use approved under  
28 this paragraph. The site shall not include an aggregate surface or hard sur-  
29 face area unless the surface preexisted the use approved under this para-  
30 graph. An owner of property used for the purpose authorized in this

1 paragraph may charge a person operating the use on the property rent for  
2 the property. An operator may charge users of the property a fee that does  
3 not exceed the operator's cost to maintain the property, buildings and facil-  
4 ities. As used in this paragraph, 'model aircraft' means a small-scale version  
5 of an airplane, glider, helicopter, dirigible or balloon that is used or intended  
6 to be used for flight and is controlled by radio, lines or design by a person  
7 on the ground.

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

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

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

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

28 “(A) A public right of way;

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

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

2       “(v) Subject to the issuance of a license, permit or other approval by the  
3 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,  
4 468B.053 or 468B.055, or in compliance with rules adopted under ORS  
5 468B.095, and as provided in ORS 215.246 to 215.251, the land application of  
6 reclaimed water, agricultural or industrial process water or biosolids for  
7 agricultural, horticultural or silvicultural production, or for irrigation in  
8 connection with a use allowed in an exclusive farm use zone under this  
9 chapter.

10       “(w) A county law enforcement facility that lawfully existed on August  
11 20, 2002, and is used to provide rural law enforcement services primarily in  
12 rural areas, including parole and post-prison supervision, but not including  
13 a correctional facility as defined under ORS 162.135.

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

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

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

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

25       “(a) Commercial activities that are in conjunction with farm use, includ-  
26 ing the processing of farm crops into biofuel not permitted under ORS  
27 215.203 (2)(b)(K) or subsection (1)(r) of this section.

28       “(b) Operations conducted for:

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

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

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

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

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

8 “(c)(A) Private parks, playgrounds, hunting and fishing preserves and  
9 campgrounds. *[Subject to the approval of the county governing body or its*  
10 *designee, a private campground may provide yurts for overnight camping. No*  
11 *more than one-third or a maximum of 10 campsites, whichever is smaller, may*  
12 *include a yurt. The yurt shall be located on the ground or on a wood floor*  
13 *with no permanent foundation. Upon request of a county governing body, the*  
14 *Land Conservation and Development Commission may provide by rule for an*  
15 *increase in the number of yurts allowed on all or a portion of the campgrounds*  
16 *in a county if the commission determines that the increase will comply with*  
17 *the standards described in ORS 215.296 (1). As used in this paragraph, ‘yurt’*  
18 *means a round, domed shelter of cloth or canvas on a collapsible frame with*  
19 *no plumbing, sewage disposal hookup or internal cooking appliance.]*

20 “(B) **A private park allowed under this section may not be used or**  
21 **provide facilities for actual or reasonably anticipated assemblies of**  
22 **more than 3,000 persons for organized sporting events or for active**  
23 **outdoor recreational opportunities, including paintball facilities, mo-**  
24 **torcycle tracks and off-road trails for motor vehicle use.**

25 “(C) **As used in this paragraph, ‘private park’ means an area on**  
26 **land determined to be high-value farmland, as defined in ORS 195.300,**  
27 **with natural or ornamental qualities that provides passive outdoor**  
28 **recreational opportunities, including but not limited to picnicking,**  
29 **boating, fishing, swimming, hiking and viewing nature.**

30 “(d) Parks and playgrounds. A public park may be established consistent



1 with the provisions of ORS 195.120.

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

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

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

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

28 “(i) Home occupations as provided in ORS 215.448.

29 “(j) A facility for the primary processing of forest products, provided that  
30 such facility is found to not seriously interfere with accepted farming prac-

1 tices and is compatible with farm uses described in ORS 215.203 (2). Such a  
2 facility may be approved for a one-year period which is renewable. These  
3 facilities are intended to be only portable or temporary in nature. The pri-  
4 mary processing of a forest product, as used in this section, means the use  
5 of a portable chipper or stud mill or other similar methods of initial treat-  
6 ment of a forest product in order to enable its shipment to market. Forest  
7 products, as used in this section, means timber grown upon a parcel of land  
8 or contiguous land where the primary processing facility is located.

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

13 “(L) One manufactured dwelling or recreational vehicle, or the temporary  
14 residential use of an existing building, in conjunction with an existing  
15 dwelling as a temporary use for the term of a hardship suffered by the ex-  
16 isting resident or a relative of the resident. Within three months of the end  
17 of the hardship, the manufactured dwelling or recreational vehicle shall be  
18 removed or demolished or, in the case of an existing building, the building  
19 shall be removed, demolished or returned to an allowed nonresidential use.  
20 The governing body or its designee shall provide for periodic review of the  
21 hardship claimed under this paragraph. A temporary residence approved un-  
22 der this paragraph is not eligible for replacement under subsection (1)(p) of  
23 this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 “(x) A living history museum related to resource based activities owned  
28 and operated by a governmental agency or a local historical society, together  
29 with limited commercial activities and facilities that are directly related to  
30 the use and enjoyment of the museum and located within authentic buildings

1 of the depicted historic period or the museum administration building, if  
2 areas other than an exclusive farm use zone cannot accommodate the mu-  
3 seum and related activities or if the museum administration buildings and  
4 parking lot are located within one quarter mile of an urban growth bound-  
5 ary. As used in this paragraph:

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

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

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

16 “(z) A landscape contracting business, as defined in ORS 671.520, or a  
17 business providing landscape architecture services, as described in ORS  
18 671.318, if the business is pursued in conjunction with the growing and  
19 marketing of nursery stock on the land that constitutes farm use.

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

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

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

30 “(b) ORS 215.296 for those uses identified by rule of the Land Conserva-

1 tion and Development Commission as provided in section 3, chapter 529,  
2 Oregon Laws 1993.

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

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

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

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

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

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

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

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

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

27 “(i) Planned hours of operation;

28 “(ii) Access, egress and parking;

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

1       “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

1 other commercial events or activities:

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

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

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

7 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

23 “(v) Sanitation and solid waste.

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

30 “(A) Are incidental and subordinate to existing commercial farm use of

1 the tract and are necessary to support the commercial farm uses or the  
2 commercial agricultural enterprises in the area;

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

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

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

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

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

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

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

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

25 “(b) The county may issue the limited use permits authorized by sub-  
26 section (4)(c) of this section for two calendar years. When considering an  
27 application for renewal, the county shall ensure compliance with the pro-  
28 visions of subsection (4)(c) of this section, any local standards that apply and  
29 conditions that apply to the permit or to the agri-tourism or other commer-  
30 cial events or activities authorized by the permit.



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

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

8       “215.283. (1) The following uses may be established in any area zoned for  
9 exclusive farm use:

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

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

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

17       “(A) ORS 215.275; or

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

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

1 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as  
2 a partition of the homesite to create a new parcel.

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

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

11 “(g) Operations for the exploration for minerals as defined by ORS  
12 517.750. Any activities or construction relating to such operations shall not  
13 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

3 “(o) Farm stands if:

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

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

15 “(p) Alteration, restoration or replacement of a lawfully established  
16 dwelling that:

17 “(A) Has intact exterior walls and roof structure;

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

20 “(C) Has interior wiring for interior lights;

21 “(D) Has a heating system; and

22 “(E) In the case of replacement:

23 “(i) Is removed, demolished or converted to an allowable nonresidential  
24 use within three months of the completion of the replacement dwelling. A  
25 replacement dwelling may be sited on any part of the same lot or parcel. A  
26 dwelling established under this paragraph shall comply with all applicable  
27 siting standards. However, the standards shall not be applied in a manner  
28 that prohibits the siting of the dwelling. If the dwelling to be replaced is  
29 located on a portion of the lot or parcel not zoned for exclusive farm use,  
30 the applicant, as a condition of approval, shall execute and record in the

1 deed records for the county where the property is located a deed restriction  
2 prohibiting the siting of a dwelling on that portion of the lot or parcel. The  
3 restriction imposed shall be irrevocable unless a statement of release is  
4 placed in the deed records for the county. The release shall be signed by the  
5 county or its designee and state that the provisions of this paragraph re-  
6 garding replacement dwellings have changed to allow the siting of another  
7 dwelling. The county planning director or the director's designee shall  
8 maintain a record of the lots and parcels that do not qualify for the siting  
9 of a new dwelling under the provisions of this paragraph, including a copy  
10 of the deed restrictions and release statements filed under this paragraph;  
11 and

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

23 “(q) A site for the takeoff and landing of model aircraft, including such  
24 buildings or facilities as may reasonably be necessary. Buildings or facilities  
25 shall not be more than 500 square feet in floor area or placed on a permanent  
26 foundation unless the building or facility preexisted the use approved under  
27 this paragraph. The site shall not include an aggregate surface or hard sur-  
28 face area unless the surface preexisted the use approved under this para-  
29 graph. An owner of property used for the purpose authorized in this  
30 paragraph may charge a person operating the use on the property rent for

1 the property. An operator may charge users of the property a fee that does  
2 not exceed the operator's cost to maintain the property, buildings and facil-  
3 ities. As used in this paragraph, 'model aircraft' means a small-scale version  
4 of an airplane, glider, helicopter, dirigible or balloon that is used or intended  
5 to be used for flight and is controlled by radio, lines or design by a person  
6 on the ground.

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

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

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

23 "(u) Utility facility service lines. Utility facility service lines are utility  
24 lines and accessory facilities or structures that end at the point where the  
25 utility service is received by the customer and that are located on one or  
26 more of the following:

27 "(A) A public right of way;

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

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

1       “(v) Subject to the issuance of a license, permit or other approval by the  
2 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,  
3 468B.053 or 468B.055, or in compliance with rules adopted under ORS  
4 468B.095, and as provided in ORS 215.246 to 215.251, the land application of  
5 reclaimed water, agricultural or industrial process water or biosolids for  
6 agricultural, horticultural or silvicultural production, or for irrigation in  
7 connection with a use allowed in an exclusive farm use zone under this  
8 chapter.

9       “(w) A county law enforcement facility that lawfully existed on August  
10 20, 2002, and is used to provide rural law enforcement services primarily in  
11 rural areas, including parole and post-prison supervision, but not including  
12 a correctional facility as defined under ORS 162.135.

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

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

18       “(B) The number of dogs participating in a testing trial does not exceed  
19 60 and the number of testing trials to be conducted on-site is limited to four  
20 or fewer trials per calendar year.

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

24       “(a) Commercial activities that are in conjunction with farm use, includ-  
25 ing the processing of farm crops into biofuel not permitted under ORS  
26 215.203 (2)(b)(K) or subsection (1)(r) of this section.

27       “(b) Operations conducted for:

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

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

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

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

7 “(c)(A) Private parks, playgrounds, hunting and fishing preserves and  
8 campgrounds. *[Subject to the approval of the county governing body or its*  
9 *designee, a private campground may provide yurts for overnight camping. No*  
10 *more than one-third or a maximum of 10 campsites, whichever is smaller, may*  
11 *include a yurt. The yurt shall be located on the ground or on a wood floor*  
12 *with no permanent foundation. Upon request of a county governing body, the*  
13 *Land Conservation and Development Commission may provide by rule for an*  
14 *increase in the number of yurts allowed on all or a portion of the campgrounds*  
15 *in a county if the commission determines that the increase will comply with*  
16 *the standards described in ORS 215.296 (1). As used in this paragraph, ‘yurt’*  
17 *means a round, domed shelter of cloth or canvas on a collapsible frame with*  
18 *no plumbing, sewage disposal hookup or internal cooking appliance.]*

19 “(B) **A private park allowed under this section may not be used or**  
20 **provide facilities for actual or reasonably anticipated assemblies of**  
21 **more than 3,000 persons for organized sporting events or for active**  
22 **outdoor recreational opportunities, including paintball facilities, mo-**  
23 **torcycle tracks and off-road trails for motor vehicle use.**

24 “(C) **As used in this paragraph, ‘private park’ means an area on**  
25 **land determined to be high-value farmland, as defined in ORS 195.300,**  
26 **with natural or ornamental qualities that provides passive outdoor**  
27 **recreational opportunities, including but not limited to picnicking,**  
28 **boating, fishing, swimming, hiking and viewing nature.**

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

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

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

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

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

27 “(i) Home occupations as provided in ORS 215.448.

28 “(j) A facility for the primary processing of forest products, provided that  
29 such facility is found to not seriously interfere with accepted farming prac-  
30 tices and is compatible with farm uses described in ORS 215.203 (2). Such a



1 facility may be approved for a one-year period which is renewable. These  
2 facilities are intended to be only portable or temporary in nature. The pri-  
3 mary processing of a forest product, as used in this section, means the use  
4 of a portable chipper or stud mill or other similar methods of initial treat-  
5 ment of a forest product in order to enable its shipment to market. Forest  
6 products, as used in this section, means timber grown upon a parcel of land  
7 or contiguous land where the primary processing facility is located.

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

12 “(L) One manufactured dwelling or recreational vehicle, or the temporary  
13 residential use of an existing building, in conjunction with an existing  
14 dwelling as a temporary use for the term of a hardship suffered by the ex-  
15 isting resident or a relative of the resident. Within three months of the end  
16 of the hardship, the manufactured dwelling or recreational vehicle shall be  
17 removed or demolished or, in the case of an existing building, the building  
18 shall be removed, demolished or returned to an allowed nonresidential use.  
19 The governing body or its designee shall provide for periodic review of the  
20 hardship claimed under this paragraph. A temporary residence approved un-  
21 der this paragraph is not eligible for replacement under subsection (1)(p) of  
22 this section.

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

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

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

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

28 “(p) The propagation, cultivation, maintenance and harvesting of aquatic  
29 species that are not under the jurisdiction of the State Fish and Wildlife  
30 Commission or insect species. Insect species shall not include any species

1 under quarantine by the State Department of Agriculture or the United  
2 States Department of Agriculture. The county shall provide notice of all  
3 applications under this paragraph to the State Department of Agriculture.  
4 Notice shall be provided in accordance with the county's land use regu-  
5 lations but shall be mailed at least 20 calendar days prior to any adminis-  
6 trative decision or initial public hearing on the application.

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

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

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

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

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

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

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

26 “(x) A living history museum related to resource based activities owned  
27 and operated by a governmental agency or a local historical society, together  
28 with limited commercial activities and facilities that are directly related to  
29 the use and enjoyment of the museum and located within authentic buildings  
30 of the depicted historic period or the museum administration building, if

1 areas other than an exclusive farm use zone cannot accommodate the mu-  
2 seum and related activities or if the museum administration buildings and  
3 parking lot are located within one quarter mile of an urban growth bound-  
4 ary. As used in this paragraph:

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

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

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

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

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

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

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

29 “(b) ORS 215.296 for those uses identified by rule of the Land Conserva-  
30 tion and Development Commission as provided in section 3, chapter 529,

1 Oregon Laws 1993.

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

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

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

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

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

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

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

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

24 “(G) The agri-tourism or other commercial event or activity complies with  
25 conditions established 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  
29 vehicles and any anticipated use of public roads; and

30 “(iv) Sanitation and solid waste.

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

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

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

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

15       “(D) May not include the artificial amplification of music or voices before  
16 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

6       “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

22       “(v) Sanitation and solid waste.

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

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

1 commercial agricultural enterprises in the area;

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

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

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

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

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

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

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

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

24 “(b) The county may issue the limited use permits authorized by sub-  
25 section (4)(c) of this section for two calendar years. When considering an  
26 application for renewal, the county shall ensure compliance with the pro-  
27 visions of subsection (4)(c) of this section, any local standards that apply and  
28 conditions that apply to the permit or to the agri-tourism or other commer-  
29 cial events or activities authorized by the permit.

30 “(c) The authorizations provided by subsection (4) of this section are in

1 addition to other authorizations that may be provided by law, except that  
2 ‘outdoor mass gathering’ and ‘other gathering,’ as those terms are used in  
3 ORS 197.015 (10)(d), do not include agri-tourism or other commercial events  
4 and activities.

5 **“SECTION 5. The amendments to ORS 215.213 and 215.283 by**  
6 **sections 1 to 4 of this 2015 Act apply to the establishment of private**  
7 **parks for which local land use approval has not been granted prior to**  
8 **the effective date of this 2015 Act.”.**

9

---