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SUMMARY

Permits accessory dwelling unit on land zoned rural residential and as conditional permitted use on land zoned for exclusive farm use.

A BILL FOR AN ACT

Relating to accessory dwelling units; creating new provisions; and amending ORS 215.213 and 215.283.

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

SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 215.

SECTION 2. (1) As used in this section:

(a) “Accessory dwelling unit” means an interior, attached or detached permanent structure that is situated on the same lot or parcel as a single family dwelling, that is designed as independent living quarters and that contains permanent cooking, eating, sleeping and sanitary facilities.

(b) “Single family dwelling” means a permanent structure designated as a residence for one family that, prior to the siting of an accessory dwelling unit under this section, does not have a common wall with another residence of any type.

(2) The governing body of a county or its designee may allow, subject to the approval of the governing body or its designee, the siting of one accessory dwelling unit on a lot or parcel in an area zoned rural residential or an area zoned for exclusive farm use under ORS 215.213 (2)(z) or 215.283 (2)(bb), provided:

1 **(a) The accessory dwelling unit is accessory to an existing single**
2 **family dwelling located on the same lot or parcel;**

3 **(b) The lot or parcel contains no more than one single family**
4 **dwelling;**

5 **(c) The accessory dwelling unit is sited within 100 feet of the single**
6 **family dwelling; and**

7 **(d) The accessory dwelling unit complies with all county standards**
8 **relating to sanitation, safety, quality and durability of residential**
9 **units.**

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

11 215.213. (1) In counties that have adopted marginal lands provisions under
12 ORS 197.247 (1991 Edition), the following uses may be established in any area
13 zoned for exclusive farm use:

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

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

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

21 (A) ORS 215.275; or

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

24 (d) A dwelling on real property used for farm use if the dwelling is oc-
25 cupied by a relative of the farm operator or the farm operator's spouse,
26 which means a child, parent, stepparent, grandchild, grandparent,
27 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,
28 if the farm operator does or will require the assistance of the relative in the
29 management of the farm use and the dwelling is located on the same lot or
30 parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to
31 92.192 or the minimum lot or parcel size requirements under ORS 215.780, if

1 the owner of a dwelling described in this paragraph obtains construction fi-
2 nancing or other financing secured by the dwelling and the secured party
3 forecloses on the dwelling, the secured party may also foreclose on the
4 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as
5 a partition of the homesite to create a new parcel.

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

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

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

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

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

1 subsection.

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

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

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

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

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

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

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

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

23 (r) Farm stands if:

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

31 (B) The farm stand does not include structures designed for occupancy

1 as a residence or for activity other than the sale of farm crops or livestock
2 and does not include structures for banquets, public gatherings or public
3 entertainment.

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

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

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

1 establishment.

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

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

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

10 (A) A public right of way;

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

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

14 (y) Subject to the issuance of a license, permit or other approval by the
15 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
16 468B.053 or 468B.055, or in compliance with rules adopted under ORS
17 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
18 reclaimed water, agricultural or industrial process water or biosolids for
19 agricultural, horticultural or silvicultural production, or for irrigation in
20 connection with a use allowed in an exclusive farm use zone under this
21 chapter.

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

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

27 (B) The number of dogs participating in a testing trial does not exceed
28 60 and the number of testing trials to be conducted on-site is limited to four
29 or fewer trials per calendar year.

30 (2) In counties that have adopted marginal lands provisions under ORS
31 197.247 (1991 Edition), the following uses may be established in any area

1 zoned for exclusive farm use subject to ORS 215.296:

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

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

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

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

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

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

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

23 (d) Operations conducted for:

24 (A) Mining and processing of geothermal resources as defined by ORS
25 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted
26 under subsection (1)(g) of this section;

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

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

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

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

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

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

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

1 Department of Aviation.

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

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

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

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

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

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

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

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

31 (p) Construction of additional passing and travel lanes requiring the ac-

1 acquisition of right of way but not resulting in the creation of new land par-
2 cels.

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

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

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

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

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

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

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

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

31 (w) An aerial fireworks display business that has been in continuous op-

1 eration at its current location within an exclusive farm use zone since De-
2 cember 31, 1986, and possesses a wholesaler's permit to sell or provide
3 fireworks.

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

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

11 **(z) An accessory dwelling unit, as provided in section 2 of this 2017**
12 **Act.**

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

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

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

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

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

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

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

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

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

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

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

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

1 requested under subsection (4) of this section.

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

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

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

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

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

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

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

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

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

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

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

31 (a) A county may authorize a single agri-tourism or other commercial

1 event or activity on a tract in a calendar year by an authorization that is
2 personal to the applicant and is not transferred by, or transferable with, a
3 conveyance of the tract, if the agri-tourism or other commercial event or
4 activity meets any local standards that apply and:

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

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

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

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

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

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

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

21 (i) Planned hours of operation;

22 (ii) Access, egress and parking;

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

25 (iv) Sanitation and solid waste.

26 (b) In the alternative to paragraphs (a) and (c) of this subsection, a
27 county may authorize, through an expedited, single-event license, a single
28 agri-tourism or other commercial event or activity on a tract in a calendar
29 year by an expedited, single-event license that is personal to the applicant
30 and is not transferred by, or transferable with, a conveyance of the tract. A
31 decision concerning an expedited, single-event license is not a land use de-

1 cision, as defined in ORS 197.015. To approve an expedited, single-event li-
2 cense, the governing body of a county or its designee must determine that
3 the proposed agri-tourism or other commercial event or activity meets any
4 local standards that apply, and the agri-tourism or other commercial event
5 or activity:

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

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

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

9 (D) May not include the artificial amplification of music or voices before
10 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

30 (D) Must comply with ORS 215.296;

31 (E) May not, in combination with other agri-tourism or other commercial

1 events or activities authorized in the area, materially alter the stability of
2 the land use pattern in the area; and

3 (F) Must comply with conditions established for:

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

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

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

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

15 (v) Sanitation and solid waste.

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

22 (A) Are incidental and subordinate to existing commercial farm use of the
23 tract and are necessary to support the commercial farm uses or the com-
24 mercial agricultural enterprises in the area;

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

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

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

30 (12) A holder of a permit authorized by a county under subsection (11)(d)
31 of this section must request review of the permit at four-year intervals. Upon

1 receipt of a request for review, the county shall:

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

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

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

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

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

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

27 **SECTION 4.** ORS 215.213, as amended by section 7, chapter 462, Oregon
28 Laws 2013, is amended to read:

29 215.213. (1) In counties that have adopted marginal lands provisions under
30 ORS 197.247 (1991 Edition), the following uses may be established in any area
31 zoned for exclusive farm use:

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

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

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

8 (A) ORS 215.275; or

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

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

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

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

31 (g) Operations for the exploration for and production of geothermal re-

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

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

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

20 (j) Climbing and passing lanes within the right of way existing as of July
21 1, 1987.

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

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

29 (m) Minor betterment of existing public road and highway related facili-
30 ties, such as maintenance yards, weigh stations and rest areas, within right
31 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 the
4 existing dwelling has been listed in a county inventory as historic property
5 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 use
17 within three months of the completion of the replacement dwelling. A re-
18 placement dwelling may be sited on any part of the same lot or parcel. A
19 dwelling established under this paragraph shall comply with all applicable
20 siting standards. However, the standards shall not be applied in a manner
21 that prohibits the siting of the dwelling. If the dwelling to be replaced is
22 located on a portion of the lot or parcel not zoned for exclusive farm use,
23 the applicant, as a condition of approval, shall execute and record in the
24 deed records for the county where the property is located a deed restriction
25 prohibiting the siting of a dwelling on that portion of the lot or parcel. The
26 restriction imposed shall be irrevocable unless a statement of release is
27 placed in the deed records for the county. The release shall be signed by the
28 county or its designee and state that the provisions of this paragraph re-
29 garding replacement dwellings have changed to allow the siting of another
30 dwelling. The county planning director or the director's designee shall
31 maintain a record of the lots and parcels that do not qualify for the siting

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

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

15 (r) Farm stands if:

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

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

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

30 (t) A site for the takeoff and landing of model aircraft, including such
31 buildings or facilities as may reasonably be necessary. Buildings or facilities

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

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

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

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

29 (x) Utility facility service lines. Utility facility service lines are utility
30 lines and accessory facilities or structures that end at the point where the
31 utility service is received by the customer and that are located on one or

1 more of the following:

2 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

15 (d) Operations conducted for:

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

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

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

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

24 (e) Community centers owned by a governmental agency or a nonprofit
25 community organization and operated primarily by and for residents of the
26 local rural community, hunting and fishing preserves, public and private
27 parks, playgrounds and campgrounds. Subject to the approval of the county
28 governing body or its designee, a private campground may provide yurts for
29 overnight camping. No more than one-third or a maximum of 10 campsites,
30 whichever is smaller, may include a yurt. The yurt shall be located on the
31 ground or on a wood floor with no permanent foundation. Upon request of

1 a county governing body, the Land Conservation and Development Commis-
2 sion may provide by rule for an increase in the number of yurts allowed on
3 all or a portion of the campgrounds in a county if the commission determines
4 that the increase will comply with the standards described in ORS 215.296
5 (1). A public park or campground may be established as provided under ORS
6 195.120. As used in this paragraph, “yurt” means a round, domed shelter of
7 cloth or canvas on a collapsible frame with no plumbing, sewage disposal
8 hookup or internal cooking appliance.

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

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

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

25 (i) A facility for the primary processing of forest products, provided that
26 such facility is found to not seriously interfere with accepted farming prac-
27 tices and is compatible with farm uses described in ORS 215.203 (2). Such a
28 facility may be approved for a one-year period which is renewable. These
29 facilities are intended to be only portable or temporary in nature. The pri-
30 mary processing of a forest product, as used in this section, means the use
31 of a portable chipper or stud mill or other similar methods of initial treat-

1 ment of a forest product in order to enable its shipment to market. Forest
2 products, as used in this section, means timber grown upon a parcel of land
3 or contiguous land where the primary processing facility is located.

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

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

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

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

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

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

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

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

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

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

1 parcels.

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

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

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

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

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

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

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

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

31 (y) Public or private schools for kindergarten through grade 12, including

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

3 **(z) An accessory dwelling unit, as provided in section 2 of this 2017**
4 **Act.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (B) On July 1, 1983, greater than possessory interests are held in those
31 contiguous lots, parcels or lots and parcels by the same person, spouses or

1 a single partnership or business entity, separately or in tenancy in common.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (i) Planned hours of operation;

14 (ii) Access, egress and parking;

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

17 (iv) Sanitation and solid waste.

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

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

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

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

1 (D) May not include the artificial amplification of music or voices before
2 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

22 (D) Must comply with ORS 215.296;

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

26 (F) Must comply with conditions established for:

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

31 (ii) The location of existing structures and the location of proposed tem-

1 porary structures to be used in connection with the agri-tourism or other
2 commercial events or activities;

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

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

7 (v) Sanitation and solid waste.

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

14 (A) Are incidental and subordinate to existing commercial farm use of the
15 tract and are necessary to support the commercial farm uses or the com-
16 mercial agricultural enterprises in the area;

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

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

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

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

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

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

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

31 (a) A county may authorize the use of temporary structures established

1 in connection with the agri-tourism or other commercial events or activities
2 authorized under subsection (11) of this section. However, the temporary
3 structures must be removed at the end of the agri-tourism or other event or
4 activity. The county may not approve an alteration to the land in connection
5 with an agri-tourism or other commercial event or activity authorized under
6 subsection (11) of this section, including, but not limited to, grading, filling
7 or paving.

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

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

19 **SECTION 5.** ORS 215.283 is amended to read:

20 215.283. (1) The following uses may be established in any area zoned for
21 exclusive farm use:

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

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

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

29 (A) ORS 215.275; or

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

1 (d) A dwelling on real property used for farm use if the dwelling is oc-
2 cupied by a relative of the farm operator or the farm operator's spouse,
3 which means a child, parent, stepparent, grandchild, grandparent,
4 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,
5 if the farm operator does or will require the assistance of the relative in the
6 management of the farm use and the dwelling is located on the same lot or
7 parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to
8 92.192 or the minimum lot or parcel size requirements under ORS 215.780, if
9 the owner of a dwelling described in this paragraph obtains construction fi-
10 nancing or other financing secured by the dwelling and the secured party
11 forecloses on the dwelling, the secured party may also foreclose on the
12 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as
13 a partition of the homesite to create a new parcel.

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

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

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

25 (h) Climbing and passing lanes within the right of way existing as of July
26 1, 1987.

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

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

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

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

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

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

13 (o) Farm stands if:

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

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

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

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

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

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

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

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

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

30 (A) A public right of way;

31 (B) Land immediately adjacent to a public right of way, provided the

1 written consent of all adjacent property owners has been obtained; or

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

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

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

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

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

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

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

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

29 (b) Operations conducted for:

30 (A) Mining and processing of geothermal resources as defined by ORS
31 522.005 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 resources.

7 (c) 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.
10 No more than one-third or a maximum of 10 campsites, whichever is smaller,
11 may include a yurt. The yurt shall be located on the ground or on a wood
12 floor with no permanent foundation. Upon request of a county governing
13 body, the Land Conservation and Development Commission may provide by
14 rule for an increase in the number of yurts allowed on all or a portion of
15 the campgrounds in a county if the commission determines that the increase
16 will comply with the standards described in ORS 215.296 (1). As used in this
17 paragraph, "yurt" means a round, domed shelter of cloth or canvas on a
18 collapsible frame with no plumbing, sewage disposal hookup or internal
19 cooking appliance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **(bb) An accessory dwelling unit, as provided in section 2 of this 2017**
9 **Act.**

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

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

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

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

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

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

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

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

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

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

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

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

13 (i) Planned hours of operation;

14 (ii) Access, egress and parking;

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

17 (iv) Sanitation and solid waste.

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

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

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

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

1 (D) May not include the artificial amplification of music or voices before
2 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

22 (D) Must comply with ORS 215.296;

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

26 (F) Must comply with conditions established for:

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

31 (ii) The location of existing structures and the location of proposed tem-

1 porary structures to be used in connection with the agri-tourism or other
2 commercial events or activities;

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

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

7 (v) Sanitation and solid waste.

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

14 (A) Are incidental and subordinate to existing commercial farm use of the
15 tract and are necessary to support the commercial farm uses or the com-
16 mercial agricultural enterprises in the area;

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

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

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

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

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

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

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

31 (a) A county may authorize the use of temporary structures established

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

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

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

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

21 215.283. (1) The following uses may be established in any area zoned for
22 exclusive farm use:

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

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

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

30 (A) ORS 215.275; or

31 (B) If the utility facility is an associated transmission line, as defined in

1 ORS 215.274 and 469.300.

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

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

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

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

26 (h) Climbing and passing lanes within the right of way existing as of July
27 1, 1987.

28 (i) Reconstruction or modification of public roads and highways, including
29 the placement of utility facilities overhead and in the subsurface of public
30 roads and highways along the public right of way, but not including the
31 addition of travel lanes, where no removal or displacement of buildings

1 would occur, or no new land parcels result.

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

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

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

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

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

14 (o) Farm stands if:

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

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

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

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

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

31 (C) Has interior wiring for interior lights;

1 (D) Has a heating system; and

2 (E) In the case of replacement:

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

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

1 applicant.

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

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

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

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

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

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

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

26 (B) The number of dogs participating in a testing trial does not exceed
27 60 and the number of testing trials to be conducted on-site is limited to four
28 or fewer trials per calendar year.

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

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

4 (b) Operations conducted for:

5 (A) Mining and processing of geothermal resources as defined by ORS
6 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted
7 under subsection (1)(f) of this section;

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

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

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

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

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

28 (e) Community centers owned by a governmental agency or a nonprofit
29 community organization and operated primarily by and for residents of the
30 local rural community. A community center authorized under this paragraph
31 may provide services to veterans, including but not limited to emergency and

1 transitional shelter, preparation and service of meals, vocational and educa-
2 tional counseling and referral to local, state or federal agencies providing
3 medical, mental health, disability income replacement and substance abuse
4 services, only in a facility that is in existence on January 1, 2006. The ser-
5 vices may not include direct delivery of medical, mental health, disability
6 income replacement or substance abuse services.

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

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

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

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

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

1 products, as used in this section, means timber grown upon a parcel of land
2 or contiguous land where the primary processing facility is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (w) Expansion of existing county fairgrounds and activities directly re-
17 lating to county fairgrounds governed by county fair boards established
18 pursuant to ORS 565.210.

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

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

1 (B) “Local historical society” means the local historical society recog-
2 nized by the county governing body and organized under ORS chapter 65.

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

7 (z) A landscape contracting business, as defined in ORS 671.520, or a
8 business providing landscape architecture services, as described in ORS
9 671.318, if the business is pursued in conjunction with the growing and
10 marketing of nursery stock on the land that constitutes farm use.

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

14 **(bb) An accessory dwelling unit, as provided in section 2 of this 2017**
15 **Act.**

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

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

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

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

29 (a) A county may authorize a single agri-tourism or other commercial
30 event or activity on a tract in a calendar year by an authorization that is
31 personal to the applicant and is not transferred by, or transferable with, a

1 conveyance of the tract, if the agri-tourism or other commercial event or
2 activity meets any local standards that apply and:

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

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

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

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

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

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

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

19 (i) Planned hours of operation;

20 (ii) Access, egress and parking;

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

23 (iv) Sanitation and solid waste.

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

1 the proposed agri-tourism or other commercial event or activity meets any
2 local standards that apply, and the agri-tourism or other commercial event
3 or activity:

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

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

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

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

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

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

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

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

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

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

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

28 (D) Must comply with ORS 215.296;

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

1 (F) Must comply with conditions established for:

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

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

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

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

13 (v) Sanitation and solid waste.

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

20 (A) Are incidental and subordinate to existing commercial farm use of the
21 tract and are necessary to support the commercial farm uses or the com-
22 mercial agricultural enterprises in the area;

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

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

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

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

31 (a) Provide public notice and an opportunity for public comment as part

1 of the review process; and

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

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

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

14 (b) The county may issue the limited use permits authorized by subsection
15 (4)(c) of this section for two calendar years. When considering an application
16 for renewal, the county shall ensure compliance with the provisions of sub-
17 section (4)(c) of this section, any local standards that apply and conditions
18 that apply to the permit or to the agri-tourism or other commercial events
19 or activities authorized by the permit.

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

25
