

D R A F T

SUMMARY

Permits siting of recreational vehicle for residential purposes on land zoned rural residential and as conditional permitted use on land zoned for exclusive farm use.

A BILL FOR AN ACT

Relating to siting of recreational vehicles for residential purposes; 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) “Recreational vehicle” means a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes.

(b) “Single family dwelling” means a permanent structure that was designed for occupancy as a residence for one family and does not share 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 recreational vehicle for residential purposes 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:

(a) The recreational vehicle has functioning sleeping, cooking and plumbing facilities;

1 **(b) The recreational vehicle is sited on the same lot or parcel as an**
2 **existing single family dwelling;**

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

5 **(d) The recreational vehicle is sited within 100 feet of the single**
6 **family dwelling.**

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

8 215.213. (1) In counties that have adopted marginal lands provisions under
9 ORS 197.247 (1991 Edition), the following uses may be established in any area
10 zoned for exclusive farm use:

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

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

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

18 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

30 (j) Climbing and passing lanes within the right of way existing as of July
31 1, 1987.

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

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

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

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

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

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

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

20 (r) Farm stands if:

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

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

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

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

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

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

31 (w) Irrigation reservoirs, canals, delivery lines and those structures and

1 accessory operational facilities, not including parks or other recreational
2 structures and facilities, associated with a district as defined in ORS 540.505.

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

7 (A) A public right of way;

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

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

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

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

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

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

27 (2) In counties that have adopted marginal lands provisions under ORS
28 197.247 (1991 Edition), the following uses may be established in any area
29 zoned for exclusive farm use subject to ORS 215.296:

30 (a) A primary dwelling in conjunction with farm use or the propagation
31 or harvesting of a forest product on a lot or parcel that is managed as part

1 of a farm operation or woodlot if the farm operation or woodlot:

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

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

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

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

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

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

20 (d) Operations conducted for:

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

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

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

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

29 (e) Community centers owned by a governmental agency or a nonprofit
30 community organization and operated primarily by and for residents of the
31 local rural community, hunting and fishing preserves, public and private

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

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

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

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

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

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

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

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

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

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

17 (m) 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 (n) Home occupations as provided in ORS 215.448.

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

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

31 (q) Reconstruction or modification of public roads and highways involving

1 the removal or displacement of buildings but not resulting in the creation
2 of new land parcels.

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

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

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

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

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

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

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

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

8 **(z) A site for a recreational vehicle used for residential purposes,**
9 **as provided in section 2 of this 2017 Act.**

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

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

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

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

29 (4) In counties that have adopted marginal lands provisions under ORS
30 197.247 (1991 Edition), one single-family dwelling, not provided in conjunc-
31 tion with farm use, may be established in any area zoned for exclusive farm

1 use on a lot or parcel described in subsection (7) of this section that is not
2 larger than three acres upon written findings showing:

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

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

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

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

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

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

19 (6) The notice required in subsection (5) of this section shall specify that
20 persons have 15 days following the date of postmark of the notice to file a
21 written objection on the grounds only that the dwelling or activities associ-
22 ated with it would force a significant change in or significantly increase the
23 cost of accepted farming practices on nearby lands devoted to farm use. If
24 no objection is received, the governing body or its designee shall approve or
25 disapprove the application. If an objection is received, the governing body
26 shall set the matter for hearing in the manner prescribed in ORS 215.402 to
27 215.438. The governing body may charge the reasonable costs of the notice
28 required by subsection (5)(a) of this section to the applicant for the permit
29 requested under subsection (4) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

1 activity meets any local standards that apply and:

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

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

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

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

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

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

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

18 (i) Planned hours of operation;

19 (ii) Access, egress and parking;

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

22 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (D) Must comply with ORS 215.296;

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

31 (F) Must comply with conditions established for:

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

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

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

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

12 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (c) Utility facilities necessary for public service, including wetland waste

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

5 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

17 (j) Climbing and passing lanes within the right of way existing as of July
18 1, 1987.

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

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

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

31 (n) A replacement dwelling to be used in conjunction with farm use if the

1 existing dwelling has been listed in a county inventory as historic property
2 as defined in ORS 358.480.

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

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

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

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

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

10 (C) Has interior wiring for interior lights;

11 (D) Has a heating system; and

12 (E) In the case of replacement:

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

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

12 (r) Farm stands if:

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

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

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

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

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

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

16 (B) The number of dogs participating in a testing trial does not exceed
17 60 and the number of testing trials to be conducted on-site is limited to four
18 or fewer trials per calendar year.

19 (2) In counties that have adopted marginal lands provisions under ORS
20 197.247 (1991 Edition), the following uses may be established in any area
21 zoned for exclusive farm use subject to ORS 215.296:

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

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

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

29 (b) A primary dwelling in conjunction with farm use or the propagation
30 or harvesting of a forest product on a lot or parcel that is managed as part
31 of a farm operation or woodlot smaller than required under paragraph (a)

1 of this subsection, if the lot or parcel:

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

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

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

12 (d) Operations conducted for:

13 (A) Mining and processing of geothermal resources as defined by ORS
14 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted
15 under subsection (1)(g) of this section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 **(z) A site for a recreational vehicle used for residential purposes,**

1 **as provided in section 2 of this 2017 Act.**

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

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

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

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

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

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

29 (b) If the lot or parcel is located within the Willamette River Greenway,
30 a floodplain or a geological hazard area, the dwelling complies with condi-
31 tions imposed by local ordinances relating specifically to the Willamette

1 River Greenway, floodplains or geological hazard areas, whichever is appli-
2 cable; and

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

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

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

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

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

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

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

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

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

30 (b) "Contiguous" means lots, parcels or lots and parcels that have a
31 common boundary, including but not limited to, lots, parcels or lots and

1 parcels separated only by a public road.

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

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

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

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

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

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

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

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

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

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

31 (D) The maximum number of motor vehicles parked at the site of the

1 agri-tourism or other commercial event or activity does not exceed 250 ve-
2 hicles;

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

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

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

10 (i) Planned hours of operation;

11 (ii) Access, egress and parking;

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

14 (iv) Sanitation and solid waste.

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

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

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

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

29 (D) May not include the artificial amplification of music or voices before
30 8 a.m. or after 8 p.m.;

31 (E) May not require or involve the construction or use of a new perma-

1 nent structure in connection with the agri-tourism or other commercial event
2 or activity;

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

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

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

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

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

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

19 (D) Must comply with ORS 215.296;

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

23 (F) Must comply with conditions established for:

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

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

31 (iii) The location of access and egress and parking facilities to be used

1 in connection with the agri-tourism or other commercial events or activities;
2 (iv) Traffic management, including the projected number of vehicles and
3 any anticipated use of public roads; and

4 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

28 (a) A county may authorize the use of temporary structures established
29 in connection with the agri-tourism or other commercial events or activities
30 authorized under subsection (11) of this section. However, the temporary
31 structures must be removed at the end of the agri-tourism or other event or

1 activity. The county may not approve an alteration to the land in connection
2 with an agri-tourism or other commercial event or activity authorized under
3 subsection (11) of this section, including, but not limited to, grading, filling
4 or paving.

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

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

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

17 215.283. (1) The following uses may be established in any area zoned for
18 exclusive farm use:

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

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

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

26 (A) ORS 215.275; or

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

29 (d) A dwelling on real property used for farm use if the dwelling is oc-
30 cupied by a relative of the farm operator or the farm operator’s spouse,
31 which means a child, parent, stepparent, grandchild, grandparent,

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

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

13 (f) 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 (g) 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 (h) Climbing and passing lanes within the right of way existing as of July
23 1, 1987.

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

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

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

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

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

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

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

10 (o) Farm stands if:

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

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

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

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

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

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

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

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

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

27 (A) A public right of way;

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

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

31 (v) Subject to the issuance of a license, permit or other approval by the

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

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

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

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

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

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

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

26 (b) Operations conducted for:

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

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

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

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

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

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

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

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

31 (g) Commercial utility facilities for the purpose of generating power for

1 public use by sale.

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

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

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

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

29 (L) One manufactured dwelling or recreational vehicle, or the temporary
30 residential use of an existing building, in conjunction with an existing
31 dwelling as a temporary use for the term of a hardship suffered by the ex-

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

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

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

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

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

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

23 (q) 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 (r) 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 (s) 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 (t) 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 (u) Room and board arrangements for a maximum of five unrelated per-
5 sons in existing residences.

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

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

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

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

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

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

29 (z) A landscape contracting business, as defined in ORS 671.520, or a
30 business providing landscape architecture services, as described in ORS
31 671.318, if the business is pursued in conjunction with the growing and

1 marketing of nursery stock on the land that constitutes farm use.

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

5 **(bb) A site for a recreational vehicle used for residential purposes,**
6 **as provided in section 2 of this 2017 Act.**

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

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

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

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

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

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

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

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

31 (D) The maximum number of motor vehicles parked at the site of the

1 agri-tourism or other commercial event or activity does not exceed 250 ve-
2 hicles;

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

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

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

10 (i) Planned hours of operation;

11 (ii) Access, egress and parking;

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

14 (iv) Sanitation and solid waste.

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

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

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

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

29 (D) May not include the artificial amplification of music or voices before
30 8 a.m. or after 8 p.m.;

31 (E) May not require or involve the construction or use of a new perma-

1 nent structure in connection with the agri-tourism or other commercial event
2 or activity;

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

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

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

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

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

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

19 (D) Must comply with ORS 215.296;

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

23 (F) Must comply with conditions established for:

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

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

31 (iii) The location of access and egress and parking facilities to be used

1 in connection with the agri-tourism or other commercial events or activities;
2 (iv) Traffic management, including the projected number of vehicles and
3 any anticipated use of public roads; and

4 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

28 (a) A county may authorize the use of temporary structures established
29 in connection with the agri-tourism or other commercial events or activities
30 authorized under subsection (4) of this section. However, the temporary
31 structures must be removed at the end of the agri-tourism or other event or

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

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

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

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

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

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

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

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

27 (A) ORS 215.275; or

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

30 (d) A dwelling on real property used for farm use if the dwelling is oc-
31 cupied by a relative of the farm operator or the farm operator’s spouse,

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

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

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

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

23 (h) Climbing and passing lanes within the right of way existing as of July
24 1, 1987.

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

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

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

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

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

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

11 (o) Farm stands if:

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

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

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

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

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

28 (C) Has interior wiring for interior lights;

29 (D) Has a heating system; and

30 (E) In the case of replacement:

31 (i) Is removed, demolished or converted to an allowable nonresidential use

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

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

30 (q) 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 (r) 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 (s) Fire service facilities providing rural fire protection services.

26 (t) 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 (u) 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 (v) 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 (w) A county law enforcement facility that lawfully existed on August 20,
15 2002, and is used to provide rural law enforcement services primarily in rural
16 areas, including parole and post-prison supervision, but not including a
17 correctional facility as defined under ORS 162.135.

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

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

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

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

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

1 (b) Operations conducted for:

2 (A) Mining and processing of geothermal resources as defined by ORS
3 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted
4 under subsection (1)(f) of this section;

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

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

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

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

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

25 (e) Community centers owned by a governmental agency or a nonprofit
26 community organization and operated primarily by and for residents of the
27 local rural community. A community center authorized under this paragraph
28 may provide services to veterans, including but not limited to emergency and
29 transitional shelter, preparation and service of meals, vocational and educa-
30 tional counseling and referral to local, state or federal agencies providing
31 medical, mental health, disability income replacement and substance abuse

1 services, only in a facility that is in existence on January 1, 2006. The ser-
2 vices may not include direct delivery of medical, mental health, disability
3 income replacement or substance abuse services.

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

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

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

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

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

31 (k) A site for the disposal of solid waste approved by the governing body

1 of a city or county or both and for which a permit has been granted under
2 ORS 459.245 by the Department of Environmental Quality together with
3 equipment, facilities or buildings necessary for its operation.

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

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

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

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

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

20 (p) 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 (q) Construction of additional passing and travel lanes requiring the ac-
30 quisition of right of way but not resulting in the creation of new land par-
31 cels.

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

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

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

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

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

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

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

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

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

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

11 **(bb) A site for a recreational vehicle used for residential purposes,**
12 **as provided in section 2 of this 2017 Act.**

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

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

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

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

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

31 (A) The agri-tourism or other commercial event or activity is incidental

1 and subordinate to existing farm use on the tract;

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

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

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

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

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

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

16 (i) Planned hours of operation;

17 (ii) Access, egress and parking;

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

20 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

25 (D) Must comply with ORS 215.296;

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

29 (F) Must comply with conditions established for:

30 (i) The types of agri-tourism or other commercial events or activities that
31 are authorized during each calendar year, including the number and duration

1 of the agri-tourism or other commercial events and activities, the anticipated
2 daily attendance and the hours of operation;

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

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

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

10 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

30 (b) Limit its review to events and activities authorized by the permit,
31 conformance with conditions of approval required by the permit and the

1 standards established by subsection (4)(d) of this section.

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

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

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

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

22
