

A-Engrossed
House Bill 2179

Ordered by the House March 31
Including House Amendments dated March 31

Sponsored by Representatives STARK, CLEM; Representative SMITH DB, Senator BAERTSCHIGER JR (at the request of Wayne Buma) (Pre-session filed.)

SUMMARY

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

Permits onsite treatment of reclaimed water, agricultural or industrial process water or biosolids prior to application on exclusive farm use land **using treatment facilities that are portable, temporary and transportable by truck trailer.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to onsite treatment of certain wastes prior to application on exclusive farm use land;
3 amending ORS 215.213 and 215.283; and declaring an emergency.

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

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

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

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

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

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

14 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (r) Farm stands if:

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

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

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

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

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

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

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

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

34 (A) A public right of way;

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

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

38 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-
39 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
40 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land
41 application, **or the onsite treatment prior to the land application**, of reclaimed water, agricul-
42 tural or industrial process water or biosolids for agricultural, horticultural or silvicultural pro-
43 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this
44 chapter. **For the purposes of this paragraph, onsite treatment prior to the land application**
45 **of reclaimed water, agricultural or industrial process water or biosolids is limited to treat-**

1 **ment using treatment facilities that are portable, temporary and transportable by truck**
2 **trailer, as defined in ORS 801.580.**

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

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

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

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

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

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

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

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

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

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

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

30 (d) Operations conducted for:

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

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

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

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

37 (e) Community centers owned by a governmental agency or a nonprofit community organization
38 and operated primarily by and for residents of the local rural community, hunting and fishing pre-
39 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the
40 county governing body or its designee, a private campground may provide yurts for overnight
41 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include
42 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
43 Upon request of a county governing body, the Land Conservation and Development Commission may
44 provide by rule for an increase in the number of yurts allowed on all or a portion of the
45 campgrounds in a county if the commission determines that the increase will comply with the stan-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (r) Improvement of public road and highway related facilities such as maintenance yards, weigh
45 stations and rest areas, where additional property or right of way is required but not resulting in

1 the creation of new land parcels.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (i) Planned hours of operation;

22 (ii) Access, egress and parking;

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

25 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

43 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
44 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
45 use permit that is personal to the applicant and is not transferred by, or transferable with, a

1 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
2 local standards that apply, and the agri-tourism or other commercial events or activities:

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

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

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

7 (D) Must comply with ORS 215.296;

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

10 (F) Must comply with conditions established for:

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

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

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

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

20 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

1 including, but not limited to, grading, filling or paving.

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

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

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

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

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

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

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

21 (A) ORS 215.275; or

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

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

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

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

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

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

1 (2)(a) or (b).

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

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

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

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

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

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

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

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

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

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

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

29 (C) Has interior wiring for interior lights;

30 (D) Has a heating system; and

31 (E) In the case of replacement:

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

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

9 (r) Farm stands if:

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

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

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

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

33 (u) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
34 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
35 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
36 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
37 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
38 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
39 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
40 cable siting standards but the standards may not be applied in a manner that prohibits the siting
41 of the processing facility or establishment.

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

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

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

4 (A) A public right of way;

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

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

8 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-
9 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
10 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land
11 application, **or the onsite treatment prior to the land application**, of reclaimed water, agricul-
12 tural or industrial process water or biosolids for agricultural, horticultural or silvicultural pro-
13 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this
14 chapter. **For the purposes of this paragraph, onsite treatment prior to the land application**
15 **of reclaimed water, agricultural or industrial process water or biosolids is limited to treat-**
16 **ment using treatment facilities that are portable, temporary and transportable by truck**
17 **trailer, as defined in ORS 801.580.**

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

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

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

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

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

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

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

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

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

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

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

45 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
43 a single-family residential dwelling not provided in conjunction with farm use may be established
44 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by
45 the Agricultural Capability Classification System in use by the United States Department of Agri-

1 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval
2 of the governing body or its designee in any area zoned for exclusive farm use upon written findings
3 showing all of the following:

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

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

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

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

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

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

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

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

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

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

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

39 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
40 1948, and July 1, 1983. For the purposes of this section:

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

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

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

1 or in tenancy in common.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (i) Planned hours of operation;

37 (ii) Access, egress and parking;

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

40 (iv) Sanitation and solid waste.

41 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
42 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
43 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
44 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
45 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.

1 To approve an expedited, single-event license, the governing body of a county or its designee must
2 determine that the proposed agri-tourism or other commercial event or activity meets any local
3 standards that apply, and the agri-tourism or other commercial event or activity:

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

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

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

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

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

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

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

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

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

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

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

22 (D) Must comply with ORS 215.296;

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

25 (F) Must comply with conditions established for:

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

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

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

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

35 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

34 (A) ORS 215.275; or

35 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
36 469.300.

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

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

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

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

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

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

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

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

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

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

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

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

27 (o) Farm stands if:

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

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

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

39 (q) A site for the takeoff and landing of model aircraft, including such buildings or facilities as
40 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor
41 area or placed on a permanent foundation unless the building or facility preexisted the use approved
42 under this paragraph. The site shall not include an aggregate surface or hard surface area unless
43 the surface preexisted the use approved under this paragraph. An owner of property used for the
44 purpose authorized in this paragraph may charge a person operating the use on the property rent
45 for the property. An operator may charge users of the property a fee that does not exceed the

1 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model
2 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
3 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
4 ground.

5 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
6 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
7 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
8 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
9 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
10 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
11 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
12 cable siting standards but the standards may not be applied in a manner that prohibits the siting
13 of the processing facility or establishment.

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

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

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

21 (A) A public right of way;

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

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

25 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
26 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
27 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land
28 application, **or the onsite treatment prior to the land application**, of reclaimed water, agricul-
29 tural or industrial process water or biosolids for agricultural, horticultural or silvicultural pro-
30 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this
31 chapter. **For the purposes of this paragraph, onsite treatment prior to the land application**
32 **of reclaimed water, agricultural or industrial process water or biosolids is limited to treat-**
33 **ment using treatment facilities that are portable, temporary and transportable by truck**
34 **trailer, as defined in ORS 801.580.**

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

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

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

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

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

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

3 (b) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

42 (j) A facility for the primary processing of forest products, provided that such facility is found
43 to not seriously interfere with accepted farming practices and is compatible with farm uses de-
44 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is
45 renewable. These facilities are intended to be only portable or temporary in nature. The primary

1 processing of a forest product, as used in this section, means the use of a portable chipper or stud
2 mill or other similar methods of initial treatment of a forest product in order to enable its shipment
3 to market. Forest products, as used in this section, means timber grown upon a parcel of land or
4 contiguous land where the primary processing facility is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (x) A living history museum related to resource based activities owned and operated by a gov-
43 ernmental agency or a local historical society, together with limited commercial activities and fa-
44 cilities that are directly related to the use and enjoyment of the museum and located within
45 authentic buildings of the depicted historic period or the museum administration building, if areas

1 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
2 the museum administration buildings and parking lot are located within one quarter mile of an ur-
3 ban growth boundary. As used in this paragraph:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (i) Planned hours of operation;

45 (ii) Access, egress and parking;

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

3 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

30 (D) Must comply with ORS 215.296;

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

33 (F) Must comply with conditions established for:

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

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

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

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

43 (v) Sanitation and solid waste.

44 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
45 or other commercial events or activities that occur more frequently or for a longer period or that

1 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
2 commercial events or activities comply with any local standards that apply and the agri-tourism or
3 other commercial events or activities:

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

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

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

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

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

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

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

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

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

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

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

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

36 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

43 (A) ORS 215.275; or

44 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
45 469.300.

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

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

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

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

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

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

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

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

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

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

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

36 (o) Farm stands if:

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

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

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

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

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

5 (C) Has interior wiring for interior lights;

6 (D) Has a heating system; and

7 (E) In the case of replacement:

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

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

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

41 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
42 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
43 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
44 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
45 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor

1 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
2 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
3 cable siting standards but the standards may not be applied in a manner that prohibits the siting
4 of the processing facility or establishment.

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

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

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

12 (A) A public right of way;

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

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

16 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
17 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
18 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land
19 application, **or the onsite treatment prior to the land application**, of reclaimed water, agricul-
20 tural or industrial process water or biosolids for agricultural, horticultural or silvicultural pro-
21 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this
22 chapter. **For the purposes of this paragraph, onsite treatment prior to the land application**
23 **of reclaimed water, agricultural or industrial process water or biosolids is limited to treat-**
24 **ment using treatment facilities that are portable, temporary and transportable by truck**
25 **trailer, as defined in ORS 801.580.**

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

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

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

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

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

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

39 (b) Operations conducted for:

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

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

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

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

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

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

13 (e) Community centers owned by a governmental agency or a nonprofit community organization
14 and operated primarily by and for residents of the local rural community. A community center au-
15 thorized under this paragraph may provide services to veterans, including but not limited to emer-
16 gency and transitional shelter, preparation and service of meals, vocational and educational
17 counseling and referral to local, state or federal agencies providing medical, mental health, disability
18 income replacement and substance abuse services, only in a facility that is in existence on January
19 1, 2006. The services may not include direct delivery of medical, mental health, disability income
20 replacement or substance abuse services.

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

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

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

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

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

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

44 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an
45 existing building, in conjunction with an existing dwelling as a temporary use for the term of a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (y) An aerial fireworks display business that has been in continuous operation at its current

1 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's
2 permit to sell or provide fireworks.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (i) Planned hours of operation;

36 (ii) Access, egress and parking;

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

39 (iv) Sanitation and solid waste.

40 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
41 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
42 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
43 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
44 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
45 To approve an expedited, single-event license, the governing body of a county or its designee must

1 determine that the proposed agri-tourism or other commercial event or activity meets any local
2 standards that apply, and the agri-tourism or other commercial event 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 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

21 (D) Must comply with ORS 215.296;

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

24 (F) Must comply with conditions established for:

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

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

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

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

34 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

25 **SECTION 5. This 2017 Act being necessary for the immediate preservation of the public**
26 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
27 **on its passage.**

28