

B-Engrossed
House Bill 2179

Ordered by the Senate May 9
Including House Amendments dated March 31 and Senate Amendments
dated May 9

Sponsored by Representatives STARK, CLEM; Representative SMITH DB, Senator BAERTSCHIGER JR (at the request of Wayne Buma) (Presession 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*] **septage** prior to application **of biosolids** on exclusive farm use land using treatment facilities that are portable, temporary and transportable by truck trailer **during authorized period of time**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (r) Farm stands if:

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

1 and

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

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

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

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

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

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

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

35 (A) A public right of way;

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

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

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

1 **application of biosolids is limited to treatment using treatment facilities that are portable,**
2 **temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of**
3 **time within which land application of biosolids is authorized under the license, permit or**
4 **other approval.**

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

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

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

11 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
12 the following uses may be established in any area zoned for exclusive farm use subject to ORS
13 215.296:

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

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

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

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

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

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

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

32 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (4) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
45 one single-family dwelling, not provided in conjunction with farm use, may be established in any

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

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

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

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

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

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

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

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

26 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
27 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (i) Planned hours of operation;

24 (ii) Access, egress and parking;

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

27 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

45 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to

1 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
2 use permit that is personal to the applicant and is not transferred by, or transferable with, a
3 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
4 local standards that apply, and the agri-tourism or other commercial events or activities:

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

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

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

9 (D) Must comply with ORS 215.296;

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

12 (F) Must comply with conditions established for:

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

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

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

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

22 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

43 (a) A county may authorize the use of temporary structures established in connection with the
44 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-
45 tion. However, the temporary structures must be removed at the end of the agri-tourism or other

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

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

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

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

15 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
16 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

23 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

13 (k) 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 (L) 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 (m) 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 (n) 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 (o) Creation, restoration or enhancement of wetlands.

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

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

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

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

31 (C) Has interior wiring for interior lights;

32 (D) Has a heating system; and

33 (E) In the case of replacement:

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

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

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

11 (r) Farm stands if:

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

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

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

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

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

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

45 (w) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational

1 facilities, not including parks or other recreational structures and facilities, associated with a dis-
2 trict as defined in ORS 540.505.

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

6 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) 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)(u) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),

1 a single-family residential dwelling not provided in conjunction with farm use may be established
2 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by
3 the Agricultural Capability Classification System in use by the United States Department of Agri-
4 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval
5 of the governing body or its designee in any area zoned for exclusive farm use upon written findings
6 showing all of the following:

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

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

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

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

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

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

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

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

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

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

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

42 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
43 1948, and July 1, 1983. For the purposes of this section:

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

45 (A) A lot or parcel described in this section is contiguous to one or more lots or parcels de-

1 scribed in this section; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (i) Planned hours of operation;

40 (ii) Access, egress and parking;

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

43 (iv) Sanitation and solid waste.

44 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
45 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-

1 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
2 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
3 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
4 To approve an expedited, single-event license, the governing body of a county or its designee must
5 determine that the proposed agri-tourism or other commercial event or activity meets any local
6 standards that apply, and the agri-tourism or other commercial event or activity:

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

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

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

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

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

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

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

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

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

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

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

25 (D) Must comply with ORS 215.296;

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

28 (F) Must comply with conditions established for:

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

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

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

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

38 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

30 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

37 (A) ORS 215.275; or

38 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
39 469.300.

40 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
41 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
42 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
43 operator does or will require the assistance of the relative in the management of the farm use and
44 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
45 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS

1 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
2 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
3 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
4 shall operate as a partition of the homesite to create a new parcel.

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

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

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

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

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

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

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

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

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

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

30 (o) Farm stands if:

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

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

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

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

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

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

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

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

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

24 (A) A public right of way;

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

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

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

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

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

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

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

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

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

7 (b) Operations conducted for:

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

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

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

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

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

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

26 (e) Community centers owned by a governmental agency or a nonprofit community organization
27 and operated primarily by and for residents of the local rural community. A community center au-
28 thorized under this paragraph may provide services to veterans, including but not limited to emer-
29 gency and transitional shelter, preparation and service of meals, vocational and educational
30 counseling and referral to local, state or federal agencies providing medical, mental health, disability
31 income replacement and substance abuse services, only in a facility that is in existence on January
32 1, 2006. The services may not include direct delivery of medical, mental health, disability income
33 replacement or substance abuse services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (i) Planned hours of operation;

4 (ii) Access, egress and parking;

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

7 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

34 (D) Must comply with ORS 215.296;

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

37 (F) Must comply with conditions established for:

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

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

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

45 (iv) Traffic management, including the projected number of vehicles and any anticipated use of

1 public roads; and

2 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

40 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

43 (c) Utility facilities necessary for public service, including wetland waste treatment systems but
44 not including commercial facilities for the purpose of generating electrical power for public use by
45 sale or transmission towers over 200 feet in height. A utility facility necessary for public service

1 may be established as provided in:

2 (A) ORS 215.275; or

3 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
4 469.300.

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

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

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

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

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

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

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

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

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

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

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

40 (o) Farm stands if:

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

1 and

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

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

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

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

9 (C) Has interior wiring for interior lights;

10 (D) Has a heating system; and

11 (E) In the case of replacement:

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

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

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

45 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS

1 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
2 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
3 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
4 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
5 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
6 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
7 cable siting standards but the standards may not be applied in a manner that prohibits the siting
8 of the processing facility or establishment.

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

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

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

16 (A) A public right of way;

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

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

20 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
21 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
22 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
23 of reclaimed water, agricultural or industrial process water or biosolids, **or the onsite treatment**
24 **of septage prior to the land application of biosolids**, for agricultural, horticultural or silvicultural
25 production, or for irrigation in connection with a use allowed in an exclusive farm use zone under
26 this chapter. **For the purposes of this paragraph, onsite treatment of septage prior to the land**
27 **application of biosolids is limited to treatment using treatment facilities that are portable,**
28 **temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of**
29 **time within which land application of biosolids is authorized under the license, permit or**
30 **other approval.**

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

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

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

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

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

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

44 (b) Operations conducted for:

45 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas

1 as defined by ORS 520.005 not otherwise permitted under subsection (1)(f) of this section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (A) "Living history museum" means a facility designed to depict and interpret everyday life and

1 culture of some specific historic period using authentic buildings, tools, equipment and people to
2 simulate past activities and events; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (i) Planned hours of operation;

41 (ii) Access, egress and parking;

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

44 (iv) Sanitation and solid waste.

45 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,

1 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
2 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
3 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
4 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
5 To approve an expedited, single-event license, the governing body of a county or its designee must
6 determine that the proposed agri-tourism or other commercial event or activity meets any local
7 standards that apply, and the agri-tourism or other commercial event or activity:

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

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

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

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

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

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

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

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

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

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

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

26 (D) Must comply with ORS 215.296;

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

29 (F) Must comply with conditions established for:

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

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

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

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

39 (v) Sanitation and solid waste.

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

45 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-

1 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;

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

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

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

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

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

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

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

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

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

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

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

33 _____