

House Bill 2179

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

SUMMARY

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

Permits onsite treatment of reclaimed water, agricultural or industrial process water or biosolids prior to application on exclusive farm use land.

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.

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

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

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

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

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

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

14 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (r) Farm stands if:

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

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

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

1 Guard support facility.

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

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

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

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

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

29 (A) A public right of way;

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

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

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

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

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

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

1 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
 2 the following uses may be established in any area zoned for exclusive farm use subject to ORS
 3 215.296:

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

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

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

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

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

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

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

22 (d) Operations conducted for:

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

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

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

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

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

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

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

44 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
 45 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-

1 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional
2 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-
3 erations. No aircraft may be based on a personal-use airport other than those owned or controlled
4 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be
5 granted through waiver action by the Oregon Department of Aviation in specific instances. A
6 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
7 ject to any applicable rules of the Oregon Department of Aviation.

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

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

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

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

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

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

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

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

32 (p) 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 (q) 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 (r) 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 (s) 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 (t) Room and board arrangements for a maximum of five unrelated persons in existing resi-
42 dences.

43 (u) A living history museum related to resource based activities owned and operated by a gov-
44 ernmental agency or a local historical society, together with limited commercial activities and fa-
45 cilities that are directly related to the use and enjoyment of the museum and located within

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
 17 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (i) Planned hours of operation;

14 (ii) Access, egress and parking;

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

17 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

44 (D) Must comply with ORS 215.296;

45 (E) May not, in combination with other agri-tourism or other commercial events or activities

1 authorized in the area, materially alter the stability of the land use pattern in the area; and

2 (F) Must comply with conditions established for:

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

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

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

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

12 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

44 (c) The authorizations provided by subsection (11) of this section are in addition to other au-
45 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-

1 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial
2 events and activities.

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

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

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

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

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

13 (A) ORS 215.275; or

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

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

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

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

31 (g) Operations for the exploration for and production of geothermal resources as defined by ORS
32 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
33 compressors, separators and other customary production equipment for an individual well adjacent
34 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
35 an exception under ORS 197.732 (2)(a) or (b).

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

39 (i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an
40 existing building, in conjunction with an existing dwelling as a temporary use for the term of a
41 hardship suffered by the existing resident or a relative of the resident. Within three months of the
42 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-
43 ished or, in the case of an existing building, the building shall be removed, demolished or returned
44 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-
45 view of the hardship claimed under this paragraph. A temporary residence approved under this

1 paragraph is not eligible for replacement under paragraph (q) of this subsection.

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

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

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

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

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

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

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

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

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

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

21 (C) Has interior wiring for interior lights;

22 (D) Has a heating system; and

23 (E) In the case of replacement:

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

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

1 (r) Farm stands if:

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

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

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

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

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

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

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

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

41 (A) A public right of way;

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

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

45 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-

1 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
2 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land
3 application, **or the onsite treatment prior to the land application**, of reclaimed water, agricul-
4 tural or industrial process water or biosolids for agricultural, horticultural or silvicultural pro-
5 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this
6 chapter.

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

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

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

13 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
14 the following uses may be established in any area zoned for exclusive farm use subject to ORS
15 215.296:

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

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

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

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

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

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

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

34 (d) Operations conducted for:

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

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

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

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

41 (e) Community centers owned by a governmental agency or a nonprofit community organization
42 and operated primarily by and for residents of the local rural community, hunting and fishing pre-
43 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the
44 county governing body or its designee, a private campground may provide yurts for overnight
45 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
 29 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (i) Planned hours of operation;

26 (ii) Access, egress and parking;

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

29 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

11 (D) Must comply with ORS 215.296;

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

14 (F) Must comply with conditions established for:

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

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

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

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

24 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

45 (a) A county may authorize the use of temporary structures established in connection with the

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

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

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

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

16 215.283. (1) 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) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily
37 provided in conjunction with farm use.

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

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

- 1 (h) Climbing and passing lanes within the right of way existing as of July 1, 1987.
- 2 (i) Reconstruction or modification of public roads and highways, including the placement of
 3 utility facilities overhead and in the subsurface of public roads and highways along the public right
 4 of way, but not including the addition of travel lanes, where no removal or displacement of buildings
 5 would occur, or no new land parcels result.
- 6 (j) Temporary public road and highway detours that will be abandoned and restored to original
 7 condition or use at such time as no longer needed.
- 8 (k) Minor betterment of existing public road and highway related facilities such as maintenance
 9 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous
 10 public-owned property utilized to support the operation and maintenance of public roads and high-
 11 ways.
- 12 (L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has
 13 been listed in a county inventory as historic property as defined in ORS 358.480.
- 14 (m) Creation, restoration or enhancement of wetlands.
- 15 (n) A winery, as described in ORS 215.452 or 215.453.
- 16 (o) Farm stands if:
- 17 (A) The structures are designed and used for the sale of farm crops or livestock grown on the
 18 farm operation, or grown on the farm operation and other farm operations in the local agricultural
 19 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm
 20 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-
 21 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
 22 and
- 23 (B) The farm stand does not include structures designed for occupancy as a residence or for
 24 activity other than the sale of farm crops or livestock and does not include structures for banquets,
 25 public gatherings or public entertainment.
- 26 (p) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, restoration or replacement
 27 of a lawfully established dwelling.
- 28 (q) A site for the takeoff and landing of model aircraft, including such buildings or facilities as
 29 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor
 30 area or placed on a permanent foundation unless the building or facility preexisted the use approved
 31 under this paragraph. The site shall not include an aggregate surface or hard surface area unless
 32 the surface preexisted the use approved under this paragraph. An owner of property used for the
 33 purpose authorized in this paragraph may charge a person operating the use on the property rent
 34 for the property. An operator may charge users of the property a fee that does not exceed the
 35 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model
 36 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
 37 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
 38 ground.
- 39 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
 40 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
 41 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
 42 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
 43 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
 44 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
 45 tion, storage or other farm use. A processing facility or establishment must comply with all appli-

1 cable siting standards but the standards may not be applied in a manner that prohibits the siting
2 of the processing facility or establishment.

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

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

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

10 (A) A public right of way;

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

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

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

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

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

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

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

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

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

34 (b) Operations conducted for:

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

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

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

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

41 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the
42 approval of the county governing body or its designee, a private campground may provide yurts for
43 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,
44 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent
45 foundation. Upon request of a county governing body, the Land Conservation and Development

1 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion
2 of the campgrounds in a county if the commission determines that the increase will comply with the
3 standards described in ORS 215.296 (1). As used in this paragraph, “yurt” means a round, domed
4 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or
5 internal cooking appliance.

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

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

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

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

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

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

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

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

39 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an
40 existing building, in conjunction with an existing dwelling as a temporary use for the term of a
41 hardship suffered by the existing resident or a relative of the resident. Within three months of the
42 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-
43 ished or, in the case of an existing building, the building shall be removed, demolished or returned
44 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-
45 view of the hardship claimed under this paragraph. A temporary residence approved under this

1 paragraph is not eligible for replacement under subsection (1)(p) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (i) Planned hours of operation;

31 (ii) Access, egress and parking;

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

34 (iv) Sanitation and solid waste.

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

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

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

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

- 1 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 2 (E) May not require or involve the construction or use of a new permanent structure in con-
- 3 nection with the agri-tourism or other commercial event or activity;
- 4 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
- 5 properties consent, in writing, to the location; and
- 6 (G) Must comply with applicable health and fire and life safety requirements.
- 7 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
- 8 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
- 9 use permit that is personal to the applicant and is not transferred by, or transferable with, a
- 10 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
- 11 local standards that apply, and the agri-tourism or other commercial events or activities:
- 12 (A) Must be incidental and subordinate to existing farm use on the tract;
- 13 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 14 (C) May not require that a new permanent structure be built, used or occupied in connection
- 15 with the agri-tourism or other commercial events or activities;
- 16 (D) Must comply with ORS 215.296;
- 17 (E) May not, in combination with other agri-tourism or other commercial events or activities
- 18 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 19 (F) Must comply with conditions established for:
- 20 (i) The types of agri-tourism or other commercial events or activities that are authorized during
- 21 each calendar year, including the number and duration of the agri-tourism or other commercial
- 22 events and activities, the anticipated daily attendance and the hours of operation;
- 23 (ii) The location of existing structures and the location of proposed temporary structures to be
- 24 used in connection with the agri-tourism or other commercial events or activities;
- 25 (iii) The location of access and egress and parking facilities to be used in connection with the
- 26 agri-tourism or other commercial events or activities;
- 27 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
- 28 public roads; and
- 29 (v) Sanitation and solid waste.
- 30 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
- 31 or other commercial events or activities that occur more frequently or for a longer period or that
- 32 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
- 33 commercial events or activities comply with any local standards that apply and the agri-tourism or
- 34 other commercial events or activities:
- 35 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
- 36 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
- 37 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
- 38 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
- 39 and
- 40 (D) Do not exceed 18 events or activities in a calendar year.
- 41 (5) A holder of a permit authorized by a county under subsection (4)(d) of this section must re-
- 42 quest review of the permit at four-year intervals. Upon receipt of a request for review, the county
- 43 shall:
- 44 (a) Provide public notice and an opportunity for public comment as part of the review process;
- 45 and

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

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

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

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

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

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

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

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

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

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

29 (A) ORS 215.275; or

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

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

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

44 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
 45 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of

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

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

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

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

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

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

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

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

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

22 (o) Farm stands if:

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

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

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

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

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

36 (C) Has interior wiring for interior lights;

37 (D) Has a heating system; and

38 (E) In the case of replacement:

39 (i) Is removed, demolished or converted to an allowable nonresidential use within three months
 40 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of
 41 the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable
 42 siting standards. However, the standards shall not be applied in a manner that prohibits the siting
 43 of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned
 44 for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the
 45 deed records for the county where the property is located a deed restriction prohibiting the siting

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

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

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

27 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
28 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
29 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
30 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
31 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
32 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
33 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
34 cable siting standards but the standards may not be applied in a manner that prohibits the siting
35 of the processing facility or establishment.

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

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

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

43 (A) A public right of way;

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

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

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

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

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

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

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

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

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

22 (b) Operations conducted for:

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

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

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

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

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

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

41 (e) Community centers owned by a governmental agency or a nonprofit community organization
 42 and operated primarily by and for residents of the local rural community. A community center au-
 43 thorized under this paragraph may provide services to veterans, including but not limited to emer-
 44 gency and transitional shelter, preparation and service of meals, vocational and educational
 45 counseling and referral to local, state or federal agencies providing medical, mental health, disability

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

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

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

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

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

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

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

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

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

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

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

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

40 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
41 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
42 shall not include any species under quarantine by the State Department of Agriculture or the United
43 States Department of Agriculture. The county shall provide notice of all applications under this
44 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the
45 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-

1 tive decision or initial public hearing on the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (a) A county may authorize a single agri-tourism or other commercial event or activity on a

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

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

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

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

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

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

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

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

18 (i) Planned hours of operation;

19 (ii) Access, egress and parking;

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

22 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

- 1 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 2 (C) May not require that a new permanent structure be built, used or occupied in connection
3 with the agri-tourism or other commercial events or activities;
- 4 (D) Must comply with ORS 215.296;
- 5 (E) May not, in combination with other agri-tourism or other commercial events or activities
6 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 7 (F) Must comply with conditions established for:
 - 8 (i) The types of agri-tourism or other commercial events or activities that are authorized during
9 each calendar year, including the number and duration of the agri-tourism or other commercial
10 events and activities, the anticipated daily attendance and the hours of operation;
 - 11 (ii) The location of existing structures and the location of proposed temporary structures to be
12 used in connection with the agri-tourism or other commercial events or activities;
 - 13 (iii) The location of access and egress and parking facilities to be used in connection with the
14 agri-tourism or other commercial events or activities;
 - 15 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
16 public roads; and
 - 17 (v) Sanitation and solid waste.
- 18 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
19 or other commercial events or activities that occur more frequently or for a longer period or that
20 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
21 commercial events or activities comply with any local standards that apply and the agri-tourism or
22 other commercial events or activities:
 - 23 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
24 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
 - 25 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
 - 26 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
27 and
 - 28 (D) Do not exceed 18 events or activities in a calendar year.
- 29 (5) A holder of a permit authorized by a county under subsection (4)(d) of this section must re-
30 quest review of the permit at four-year intervals. Upon receipt of a request for review, the county
31 shall:
 - 32 (a) Provide public notice and an opportunity for public comment as part of the review process;
33 and
 - 34 (b) Limit its review to events and activities authorized by the permit, conformance with condi-
35 tions of approval required by the permit and the standards established by subsection (4)(d) of this
36 section.
 - 37 (6) For the purposes of subsection (4) of this section:
 - 38 (a) A county may authorize the use of temporary structures established in connection with the
39 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.
40 However, the temporary structures must be removed at the end of the agri-tourism or other event
41 or activity. The county may not approve an alteration to the land in connection with an agri-tourism
42 or other commercial event or activity authorized under subsection (4) of this section, including, but
43 not limited to, grading, filling or paving.
 - 44 (b) The county may issue the limited use permits authorized by subsection (4)(c) of this section
45 for two calendar years. When considering an application for renewal, the county shall ensure com-

1 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and
2 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
3 authorized by the permit.

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

8
