

House Bill 2938

Sponsored by COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

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

A BILL FOR AN ACT

1
2 Relating to siting of recreational vehicles for residential purposes; creating new provisions; and
3 amending ORS 215.213 and 215.283.

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

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

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

7 (a) **“Recreational vehicle” means a vehicle with or without motive power, that is designed**
8 **for human occupancy and to be used temporarily for recreational, seasonal or emergency**
9 **purposes.**

10 (b) **“Single family dwelling” means a permanent structure that was designed for occu-**
11 **pancy as a residence for one family and does not share a common wall with another resi-**
12 **dence of any type.**

13 (2) **The governing body of a county or its designee may allow, subject to the approval of**
14 **the governing body or its designee, the siting of one recreational vehicle for residential pur-**
15 **poses on a lot or parcel in an area zoned rural residential or an area zoned for exclusive farm**
16 **use under ORS 215.213 (2)(z) or 215.283 (2)(bb), provided:**

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

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

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

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

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

23 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
24 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

31 (A) ORS 215.275; or

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 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
2 469.300.

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

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

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

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

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

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

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

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

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

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

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

1 been listed in a county inventory as historic property as defined in ORS 358.480.

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

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

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

6 (r) Farm stands if:

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

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

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

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

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

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

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

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

- 1 (A) A public right of way;
- 2 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-
3 jacent property owners has been obtained; or
- 4 (C) The property to be served by the utility.
- 5 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-
6 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
7 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
8 of reclaimed water, agricultural or industrial process water or biosolids for agricultural,
9 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
10 exclusive farm use zone under this chapter.
- 11 (z) Dog training classes or testing trials, which may be conducted outdoors or in preexisting
12 farm buildings, when:
- 13 (A) The number of dogs participating in training does not exceed 10 dogs per training class and
14 the number of training classes to be held on-site does not exceed six per day; and
- 15 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of
16 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.
- 17 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
18 the following uses may be established in any area zoned for exclusive farm use subject to ORS
19 215.296:
- 20 (a) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest
21 product on a lot or parcel that is managed as part of a farm operation or woodlot if the farm op-
22 eration or woodlot:
- 23 (A) Consists of 20 or more acres; and
- 24 (B) Is not smaller than the average farm or woodlot in the county producing at least \$2,500 in
25 annual gross income from the crops, livestock or forest products to be raised on the farm operation
26 or woodlot.
- 27 (b) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest
28 product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than re-
29 quired under paragraph (a) of this subsection, if the lot or parcel:
- 30 (A) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar
31 years out of the three calendar years before the year in which the application for the dwelling was
32 made or is planted in perennials capable of producing upon harvest an average of at least \$20,000
33 in annual gross farm income; or
- 34 (B) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross an-
35 nual income.
- 36 (c) Commercial activities that are in conjunction with farm use, including the processing of farm
37 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or subsection (1)(u) of this section.
- 38 (d) Operations conducted for:
- 39 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas
40 as defined by ORS 520.005, not otherwise permitted under subsection (1)(g) of this section;
- 41 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-
42 sources subject to ORS 215.298;
- 43 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and
- 44 (D) Processing of other mineral resources and other subsurface resources.
- 45 (e) Community centers owned by a governmental agency or a nonprofit community organization

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

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

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

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

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

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

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

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

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

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

- 1 (n) Home occupations as provided in ORS 215.448.
- 2 (o) Transmission towers over 200 feet in height.
- 3 (p) Construction of additional passing and travel lanes requiring the acquisition of right of way
- 4 but not resulting in the creation of new land parcels.
- 5 (q) Reconstruction or modification of public roads and highways involving the removal or dis-
- 6 placement of buildings but not resulting in the creation of new land parcels.
- 7 (r) Improvement of public road and highway related facilities such as maintenance yards, weigh
- 8 stations and rest areas, where additional property or right of way is required but not resulting in
- 9 the creation of new land parcels.
- 10 (s) A destination resort that is approved consistent with the requirements of any statewide
- 11 planning goal relating to the siting of a destination resort.
- 12 (t) Room and board arrangements for a maximum of five unrelated persons in existing resi-
- 13 dences.
- 14 (u) A living history museum related to resource based activities owned and operated by a gov-
- 15 ernmental agency or a local historical society, together with limited commercial activities and fa-
- 16 cilities that are directly related to the use and enjoyment of the museum and located within
- 17 authentic buildings of the depicted historic period or the museum administration building, if areas
- 18 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
- 19 the museum administration buildings and parking lot are located within one quarter mile of the
- 20 metropolitan urban growth boundary. As used in this paragraph:
- 21 (A) "Living history museum" means a facility designed to depict and interpret everyday life and
- 22 culture of some specific historic period using authentic buildings, tools, equipment and people to
- 23 simulate past activities and events; and
- 24 (B) "Local historical society" means the local historical society, recognized as such by the
- 25 county governing body and organized under ORS chapter 65.
- 26 (v) Operations for the extraction and bottling of water.
- 27 (w) An aerial fireworks display business that has been in continuous operation at its current
- 28 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's
- 29 permit to sell or provide fireworks.
- 30 (x) A landscape contracting business, as defined in ORS 671.520, or a business providing land-
- 31 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction
- 32 with the growing and marketing of nursery stock on the land that constitutes farm use.
- 33 (y) Public or private schools for kindergarten through grade 12, including all buildings essential
- 34 to the operation of a school, primarily for residents of the rural area in which the school is located.
- 35 **(z) A site for a recreational vehicle used for residential purposes, as provided in section**
- 36 **2 of this 2017 Act.**
- 37 (3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
- 38 a single-family residential dwelling not provided in conjunction with farm use may be established
- 39 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by
- 40 the Agricultural Capability Classification System in use by the United States Department of Agri-
- 41 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval
- 42 of the governing body or its designee in any area zoned for exclusive farm use upon written findings
- 43 showing all of the following:
- 44 (a) The dwelling or activities associated with the dwelling will not force a significant change in
- 45 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.

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

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

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

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

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

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

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

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

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

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

34 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
 35 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

1 dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (i) Planned hours of operation;

32 (ii) Access, egress and parking;

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

35 (iv) Sanitation and solid waste.

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

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

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

- 1 (C) May not involve more than 100 attendees or 50 vehicles;
- 2 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 3 (E) May not require or involve the construction or use of a new permanent structure in con-
4 nection with the agri-tourism or other commercial event or activity;
- 5 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
6 properties consent, in writing, to the location; and
- 7 (G) Must comply with applicable health and fire and life safety requirements.
- 8 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
9 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
10 use permit that is personal to the applicant and is not transferred by, or transferable with, a
11 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
12 local standards that apply, and the agri-tourism or other commercial events or activities:
 - 13 (A) Must be incidental and subordinate to existing farm use on the tract;
 - 14 (B) May not, individually, exceed a duration of 72 consecutive hours;
 - 15 (C) May not require that a new permanent structure be built, used or occupied in connection
16 with the agri-tourism or other commercial events or activities;
 - 17 (D) Must comply with ORS 215.296;
 - 18 (E) May not, in combination with other agri-tourism or other commercial events or activities
19 authorized in the area, materially alter the stability of the land use pattern in the area; and
 - 20 (F) Must comply with conditions established for:
 - 21 (i) The types of agri-tourism or other commercial events or activities that are authorized during
22 each calendar year, including the number and duration of the agri-tourism or other commercial
23 events and activities, the anticipated daily attendance and the hours of operation;
 - 24 (ii) The location of existing structures and the location of proposed temporary structures to be
25 used in connection with the agri-tourism or other commercial events or activities;
 - 26 (iii) The location of access and egress and parking facilities to be used in connection with the
27 agri-tourism or other commercial events or activities;
 - 28 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
29 public roads; and
 - 30 (v) Sanitation and solid waste.
- 31 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
32 or other commercial events or activities that occur more frequently or for a longer period or that
33 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
34 commercial events or activities comply with any local standards that apply and the agri-tourism or
35 other commercial events or activities:
 - 36 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
37 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
 - 38 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
 - 39 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
40 and
 - 41 (D) Do not exceed 18 events or activities in a calendar year.
- 42 (12) A holder of a permit authorized by a county under subsection (11)(d) of this section must
43 request review of the permit at four-year intervals. Upon receipt of a request for review, the county
44 shall:
 - 45 (a) Provide public notice and an opportunity for public comment as part of the review process;

1 and

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

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

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

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

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

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

23 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
24 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

31 (A) ORS 215.275; or

32 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
33 469.300.

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

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

45 (f) Subject to ORS 215.279, primary or accessory dwellings customarily provided in conjunction

1 with farm use. For a primary dwelling, the dwelling must be on a lot or parcel that is managed as
2 part of a farm operation and is not smaller than the minimum lot size in a farm zone with a minimum
3 lot size acknowledged under ORS 197.251.

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (C) Has interior wiring for interior lights;

40 (D) Has a heating system; and

41 (E) In the case of replacement:

42 (i) Is removed, demolished or converted to an allowable nonresidential use within three months
43 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of
44 the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable
45 siting standards. However, the standards shall not be applied in a manner that prohibits the siting

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

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

19 (r) Farm stands if:

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

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

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

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

43 (u) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
44 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
45 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry

1 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
 2 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
 3 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
 4 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
 5 cable siting standards but the standards may not be applied in a manner that prohibits the siting
 6 of the processing facility or establishment.

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

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

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

14 (A) A public right of way;

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

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

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

24 (z) 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) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
 31 the following uses may be established in any area zoned for exclusive farm use subject to ORS
 32 215.296:

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

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

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

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

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

1 in annual gross farm income; or

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

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

6 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

45 (j) A site for the disposal of solid waste approved by the governing body of a city or county or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (w) 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 (x) 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 (y) 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 (z) **A site for a recreational vehicle used for residential purposes, as provided in section**
4 **2 of this 2017 Act.**

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

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

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

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

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

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

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

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

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

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

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

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

1 this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (i) Planned hours of operation;

45 (ii) Access, egress and parking;

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

3 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

30 (D) Must comply with ORS 215.296;

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

33 (F) Must comply with conditions established for:

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

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

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

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

43 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

42 (A) ORS 215.275; or

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

45 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the

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

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

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

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

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

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

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

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

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

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

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

35 (o) Farm stands if:

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

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

45 (p) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, restoration or replacement

1 of a lawfully established dwelling.

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

23 (t) 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 (u) 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 (v) 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 application
 36 of reclaimed water, agricultural or industrial process water or biosolids for agricultural,
 37 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
 38 exclusive farm use zone under this chapter.

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

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

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

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

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

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

7 (b) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **(bb) A site for a recreational vehicle used for residential purposes, as provided in section**
 22 **2 of this 2017 Act.**

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

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

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

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

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

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

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

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

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

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

45 (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary

1 structures, or in existing permitted structures, subject to health and fire and life safety require-
 2 ments; and

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

- 5 (i) Planned hours of operation;
- 6 (ii) Access, egress and parking;
- 7 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-
 8 ipated use of public roads; and
- 9 (iv) Sanitation and solid waste.

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

- 18 (A) Must be incidental and subordinate to existing farm use on the tract;
- 19 (B) May not begin before 6 a.m. or end after 10 p.m.;
- 20 (C) May not involve more than 100 attendees or 50 vehicles;
- 21 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 22 (E) May not require or involve the construction or use of a new permanent structure in con-
 23 nection with the agri-tourism or other commercial event or activity;
- 24 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
 25 properties consent, in writing, to the location; and
- 26 (G) Must comply with applicable health and fire and life safety requirements.

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

- 32 (A) Must be incidental and subordinate to existing farm use on the tract;
- 33 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 34 (C) May not require that a new permanent structure be built, used or occupied in connection
 35 with the agri-tourism or other commercial events or activities;
- 36 (D) Must comply with ORS 215.296;
- 37 (E) May not, in combination with other agri-tourism or other commercial events or activities
 38 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 39 (F) Must comply with conditions established for:

- 40 (i) The types of agri-tourism or other commercial events or activities that are authorized during
 41 each calendar year, including the number and duration of the agri-tourism or other commercial
 42 events and activities, the anticipated daily attendance and the hours of operation;
- 43 (ii) The location of existing structures and the location of proposed temporary structures to be
 44 used in connection with the agri-tourism or other commercial events or activities;
- 45 (iii) The location of access and egress and parking facilities to be used in connection with the

1 agri-tourism or other commercial events or activities;

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

4 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

42 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

45 (c) Utility facilities necessary for public service, including wetland waste treatment systems but

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

4 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

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

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

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

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

42 (o) Farm stands if:

43 (A) The structures are designed and used for the sale of farm crops or livestock grown on the
44 farm operation, or grown on the farm operation and other farm operations in the local agricultural
45 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm

1 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-
 2 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
 3 and

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

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

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

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

11 (C) Has interior wiring for interior lights;

12 (D) Has a heating system; and

13 (E) In the case of replacement:

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

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

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

1 ground.

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

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

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

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

18 (A) A public right of way;

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

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

22 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
23 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
24 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
25 of reclaimed water, agricultural or industrial process water or biosolids for agricultural,
26 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
27 exclusive farm use zone under this chapter.

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

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

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

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

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

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

41 (b) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (B) "Local historical society" means the local historical society recognized by the county gov-

1 erning body and organized under ORS chapter 65.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (i) Planned hours of operation;

40 (ii) Access, egress and parking;

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

43 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (D) Must comply with ORS 215.296;

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

28 (F) Must comply with conditions established for:

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

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

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

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

38 (v) Sanitation and solid waste.

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

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

- 1 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
2 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
3 and
4 (D) Do not exceed 18 events or activities in a calendar year.
5 (5) A holder of a permit authorized by a county under subsection (4)(d) of this section must re-
6 quest review of the permit at four-year intervals. Upon receipt of a request for review, the county
7 shall:
8 (a) Provide public notice and an opportunity for public comment as part of the review process;
9 and
10 (b) Limit its review to events and activities authorized by the permit, conformance with condi-
11 tions of approval required by the permit and the standards established by subsection (4)(d) of this
12 section.
13 (6) For the purposes of subsection (4) of this section:
14 (a) A county may authorize the use of temporary structures established in connection with the
15 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.
16 However, the temporary structures must be removed at the end of the agri-tourism or other event
17 or activity. The county may not approve an alteration to the land in connection with an agri-tourism
18 or other commercial event or activity authorized under subsection (4) of this section, including, but
19 not limited to, grading, filling or paving.
20 (b) The county may issue the limited use permits authorized by subsection (4)(c) of this section
21 for two calendar years. When considering an application for renewal, the county shall ensure com-
22 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and
23 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
24 authorized by the permit.
25 (c) The authorizations provided by subsection (4) of this section are in addition to other au-
26 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-
27 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial
28 events and activities.

29
