

**PROPOSED AMENDMENTS TO
HOUSE BILL 2704**

1 In line 2 of the printed bill, after the semicolon delete the rest of the line
2 and insert “creating new provisions; and amending ORS 215.213, 215.246,
3 215.275, 215.276 and 215.283.”.

4 Delete lines 4 through 14 and insert:

5 **“SECTION 1. Section 2 of this 2013 Act is added to and made a part
6 of ORS chapter 215.**

7 **“SECTION 2. (1) As used in this section, ‘associated transmission
8 line’ has the meaning given that term in ORS 469.300.**

9 **“(2) An associated transmission line is necessary for public service
10 if an applicant for approval under ORS 215.213 (1)(c)(B) or 215.283
11 (1)(c)(B) demonstrates to the governing body of a county or its
12 designee that the associated transmission line meets:**

13 **“(a) At least one of the requirements listed in subsection (3) of this
14 section; or**

15 **“(b) The requirements described in subsection (4) of this section.**

16 **“(3) The governing body of a county or its designee shall approve
17 an application under this section if an applicant demonstrates that the
18 entire route of the associated transmission line meets at least one of
19 the following requirements:**

20 **“(a) The associated transmission line is not located on high-value
21 farmland, as defined in ORS 195.300, or on arable land;**

22 **“(b) The associated transmission line is co-located with an existing**

1 **transmission line;**

2 **“(c) The associated transmission line parallels an existing trans-**
3 **mission line corridor with the minimum separation necessary for**
4 **safety; or**

5 **“(d) The associated transmission line is located within an existing**
6 **right of way for a linear facility, such as a transmission line, road or**
7 **railroad, that is located above the surface of the ground.**

8 **“(4)(a) Except as provided in subsection (3) of this section, the**
9 **governing body of a county or its designee shall approve an application**
10 **under this section if, after an evaluation of reasonable alternatives,**
11 **the applicant demonstrates that the entire route of the associated**
12 **transmission line meets, subject to paragraphs (b) and (c) of this sub-**
13 **section, two or more of the following factors:**

14 **“(A) Technical and engineering feasibility;**

15 **“(B) The associated transmission line is locationally dependent be-**
16 **cause the associated transmission line must cross high-value**
17 **farmland, as defined in ORS 195.300, or arable land to achieve a rea-**
18 **sonably direct route or to meet unique geographical needs that cannot**
19 **be satisfied on other lands;**

20 **“(C) Lack of an available existing right of way for a linear facility,**
21 **such as a transmission line, road or railroad, that is located above the**
22 **surface of the ground;**

23 **“(D) Public health and safety; or**

24 **“(E) Other requirements of state or federal agencies.**

25 **“(b) The applicant shall present findings to the governing body of**
26 **the county or its designee on how the applicant will mitigate and**
27 **minimize the impacts, if any, of the associated transmission line on**
28 **surrounding lands devoted to farm use in order to prevent a significant**
29 **change in accepted farm practices or a significant increase in the cost**
30 **of farm practices on the surrounding farmland.**

1 “(c) The governing body of a county or its designee may consider
2 costs associated with any of the factors listed in paragraph (a) of this
3 subsection, but consideration of cost may not be the only consider-
4 ation in determining whether the associated transmission line is nec-
5 essary for public service.

6 “**SECTION 3.** ORS 215.213, as amended by section 2, chapter 74, Oregon
7 Laws 2012, is amended to read:

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

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

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

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

18 “(A) ORS 215.275[.]; or

19 “(B) **If the utility facility is an associated transmission line, as de-**
20 **fin ed in ORS 469.300, section 2 of this 2013 Act.**

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

1 forecloses on the dwelling, the secured party may also foreclose on the
2 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as
3 a partition of the homesite to create a new parcel.

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

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

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

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

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

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

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

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

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

15 “(n) A replacement dwelling to be used in conjunction with farm use if
16 the existing dwelling has been listed in a county inventory as historic prop-
17 erty as defined in ORS 358.480.

18 “(o) Creation, restoration or enhancement of wetlands.

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

20 “(q) Alteration, restoration or replacement of a lawfully established
21 dwelling that:

22 “(A) Has intact exterior walls and roof structure;

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

25 “(C) Has interior wiring for interior lights;

26 “(D) Has a heating system; and

27 “(E) In the case of replacement:

28 “(i) Is removed, demolished or converted to an allowable nonresidential
29 use within three months of the completion of the replacement dwelling. A
30 replacement dwelling may be sited on any part of the same lot or parcel. A

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

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

28 “(r) Farm stands if:

29 “(A) The structures are designed and used for the sale of farm crops or
30 livestock grown on the farm operation, or grown on the farm operation and

1 other farm operations in the local agricultural area, including the sale of
2 retail incidental items and fee-based activity to promote the sale of farm
3 crops or livestock sold at the farm stand if the annual sale of incidental
4 items and fees from promotional activity do not make up more than 25 per-
5 cent of the total annual sales of the farm stand; and

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

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

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

27 “(u) A facility for the processing of farm crops, or the production of
28 biofuel as defined in ORS 315.141, that is located on a farm operation that
29 provides at least one-quarter of the farm crops processed at the facility. The
30 building established for the processing facility shall not exceed 10,000 square

1 feet of floor area exclusive of the floor area designated for preparation,
2 storage or other farm use or devote more than 10,000 square feet to the
3 processing activities within another building supporting farm uses. A pro-
4 cessing facility shall comply with all applicable siting standards but the
5 standards shall not be applied in a manner that prohibits the siting of the
6 processing facility.

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

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

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

15 “(A) A public right of way;

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

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

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

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

29 “(A) The number of dogs participating in training does not exceed 10 dogs
30 per training class and the number of training classes to be held on-site does

1 not exceed six per day; and

2 “(B) The number of dogs participating in a testing trial does not exceed
3 60 and the number of testing trials to be conducted on-site is limited to four
4 or fewer trials per calendar year.

5 “(2) In counties that have adopted marginal lands provisions under ORS
6 197.247 (1991 Edition), the following uses may be established in any area
7 zoned for exclusive farm use subject to ORS 215.296:

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

11 “(A) Consists of 20 or more acres; and

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

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

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

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

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

29 “(d) Operations conducted for:

30 “(A) Mining and processing of geothermal resources as defined by ORS

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

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

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

7 “(D) Processing of other mineral resources and other subsurface re-
8 sources.

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

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

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

29 “(h) Personal-use airports for airplanes and helicopter pads, including
30 associated hangar, maintenance and service facilities. A personal-use airport

1 as used in this section means an airstrip restricted, except for aircraft
2 emergencies, to use by the owner, and, on an infrequent and occasional basis,
3 by invited guests, and by commercial aviation activities in connection with
4 agricultural operations. No aircraft may be based on a personal-use airport
5 other than those owned or controlled by the owner of the airstrip. Exceptions
6 to the activities permitted under this definition may be granted through
7 waiver action by the Oregon Department of Aviation in specific instances.
8 A personal-use airport lawfully existing as of September 13, 1975, shall con-
9 tinue to be permitted subject to any applicable rules of the Oregon Depart-
10 ment of Aviation.

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

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

25 “(k)(A) Commercial dog boarding kennels; or

26 “(B) Dog training classes or testing trials that cannot be established un-
27 der subsection (1)(z) of this section.

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

29 “(m) The propagation, cultivation, maintenance and harvesting of aquatic
30 species that are not under the jurisdiction of the State Fish and Wildlife

1 Commission or insect species. Insect species shall not include any species
2 under quarantine by the State Department of Agriculture or the United
3 States Department of Agriculture. The county shall provide notice of all
4 applications under this paragraph to the State Department of Agriculture.
5 Notice shall be provided in accordance with the county's land use regu-
6 lations but shall be mailed at least 20 calendar days prior to any adminis-
7 trative decision or initial public hearing on the application.

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

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

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

13 “(q) Reconstruction or modification of public roads and highways involv-
14 ing the removal or displacement of buildings but not resulting in the cre-
15 ation of new land parcels.

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

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

23 “(t) Room and board arrangements for a maximum of five unrelated per-
24 sons in existing residences.

25 “(u) A living history museum related to resource based activities owned
26 and operated by a governmental agency or a local historical society, together
27 with limited commercial activities and facilities that are directly related to
28 the use and enjoyment of the museum and located within authentic buildings
29 of the depicted historic period or the museum administration building, if
30 areas other than an exclusive farm use zone cannot accommodate the mu-

1 seum and related activities or if the museum administration buildings and
2 parking lot are located within one quarter mile of the metropolitan urban
3 growth boundary. As used in this paragraph:

4 “(A) ‘Living history museum’ means a facility designed to depict and in-
5 terpret everyday life and culture of some specific historic period using au-
6 thentic buildings, tools, equipment and people to simulate past activities and
7 events; and

8 “(B) ‘Local historical society’ means the local historical society, recog-
9 nized as such by the county governing body and organized under ORS chap-
10 ter 65.

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

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

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

20 “(y) Public or private schools for kindergarten through grade 12, includ-
21 ing all buildings essential to the operation of a school, primarily for resi-
22 dents of the rural area in which the school is located.

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

1 showing all of the following:

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

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

10 “(c) Complies with such other conditions as the governing body or its
11 designee considers necessary.

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

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

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

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

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

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

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

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

14 “(7) Subsection (4) of this section applies to a lot or parcel lawfully cre-
15 ated between January 1, 1948, and July 1, 1983. For the purposes of this
16 section:

17 “(a) Only one lot or parcel exists if:

18 “(A) A lot or parcel described in this section is contiguous to one or more
19 lots or parcels described in this section; and

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

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

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

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

1 “(10) Roads, highways and other transportation facilities and improve-
2 ments not allowed under subsections (1) and (2) of this section may be es-
3 tablished, subject to the approval of the governing body or its designee, in
4 areas zoned for exclusive farm use subject to:

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

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

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

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

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

21 “(B) The duration of the agri-tourism or other commercial event or ac-
22 tivity does not exceed 72 consecutive hours;

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

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

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

30 “(F) The agri-tourism or other commercial event or activity occurs out-

1 doors, in temporary structures, or in existing permitted structures, subject
2 to health and fire and life safety requirements; and

3 “(G) The agri-tourism or other commercial event or activity complies with
4 conditions established 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
8 vehicles and any anticipated 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
11 county may authorize, through an expedited, single-event license, a single
12 agri-tourism or other commercial event or activity on a tract in a calendar
13 year by an expedited, single-event license that is personal to the applicant
14 and is not transferred by, or transferable with, a conveyance of the tract. A
15 decision concerning an expedited, single-event license is not a land use de-
16 cision, as defined in ORS 197.015. To approve an expedited, single-event li-
17 cense, the governing body of a county or its designee must determine that
18 the proposed agri-tourism or other commercial event or activity meets any
19 local standards that apply, and the agri-tourism or other commercial event
20 or activity:

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

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

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

24 “(D) May not include the artificial amplification of music or voices before
25 8 a.m. or after 8 p.m.;

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

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

1 “(G) Must comply with applicable health and fire and life safety require-
2 ments.

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

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

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

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

15 “(D) Must comply with ORS 215.296;

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

19 “(F) Must comply with conditions established for:

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

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

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

29 “(iv) Traffic management, including the projected number of vehicles and
30 any anticipated use of public roads; and

1 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

25 “(a) A county may authorize the use of temporary structures established
26 in connection with the agri-tourism or other commercial events or activities
27 authorized under subsection (11) of this section. However, the temporary
28 structures must be removed at the end of the agri-tourism or other event or
29 activity. The county may not approve an alteration to the land in connection
30 with an agri-tourism or other commercial event or activity authorized under

1 subsection (11) of this section, including, but not limited to, grading, filling
2 or paving.

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

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

14 **“SECTION 4.** ORS 215.283, as amended by section 3, chapter 74, Oregon
15 Laws 2012, is amended to read:

16 “215.283. (1) The following uses may be established in any area zoned for
17 exclusive farm use:

18 “(a) Churches and cemeteries in conjunction with churches.

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

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

25 **“(A) ORS 215.275[.]; or**

26 **“(B) If the utility facility is an associated transmission line, as de-**
27 **defined in ORS 469.300, section 2 of this 2013 Act.**

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

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

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

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

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

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

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

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

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

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

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

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

11 “(o) Farm stands if:

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

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

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

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

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

28 “(C) Has interior wiring for interior lights;

29 “(D) Has a heating system; and

30 “(E) In the case of replacement:

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

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

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

15 “(r) A facility for the processing of farm crops, or the production of
16 biofuel as defined in ORS 315.141, that is located on a farm operation that
17 provides at least one-quarter of the farm crops processed at the facility. The
18 building established for the processing facility shall not exceed 10,000 square
19 feet of floor area exclusive of the floor area designated for preparation,
20 storage or other farm use or devote more than 10,000 square feet to the
21 processing activities within another building supporting farm uses. A pro-
22 cessing facility shall comply with all applicable siting standards but the
23 standards shall not be applied in a manner that prohibits the siting of the
24 processing facility.

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

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

29 “(u) Utility facility service lines. Utility facility service lines are utility
30 lines and accessory facilities or structures that end at the point where the

1 utility service is received by the customer and that are located on one or
2 more of the following:

3 “(A) A public right of way;

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

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

7 “(v) Subject to the issuance of a license, permit or other approval by the
8 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
9 468B.053 or 468B.055, or in compliance with rules adopted under ORS
10 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
11 reclaimed water, agricultural or industrial process water or biosolids for
12 agricultural, horticultural or silvicultural production, or for irrigation in
13 connection with a use allowed in an exclusive farm use zone under this
14 chapter.

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

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

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

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

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

30 “(a) Commercial activities that are in conjunction with farm use, includ-

1 ing the processing of farm crops into biofuel not permitted under ORS
2 215.203 (2)(b)(K) or subsection (1)(r) of this section.

3 “(b) Operations conducted for:

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

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

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

11 “(D) Processing of other mineral resources and other subsurface re-
12 sources.

13 “(c) Private parks, playgrounds, hunting and fishing preserves and
14 campgrounds. Subject to the approval of the county governing body or its
15 designee, a private campground may provide yurts for overnight camping.
16 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
18 floor with no permanent foundation. Upon request of a county governing
19 body, the Land Conservation and Development Commission may provide by
20 rule for an increase in the number of yurts allowed on all or a portion of
21 the campgrounds in a county if the commission determines that the increase
22 will comply with the standards described in ORS 215.296 (1). As used in this
23 paragraph, ‘yurt’ means a round, domed shelter of cloth or canvas on a
24 collapsible frame with no plumbing, sewage disposal hookup or internal
25 cooking appliance.

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

28 “(e) Community centers owned by a governmental agency or a nonprofit
29 community organization and operated primarily by and for residents of the
30 local rural community. A community center authorized under this paragraph

1 may provide services to veterans, including but not limited to emergency and
2 transitional shelter, preparation and service of meals, vocational and educa-
3 tional counseling and referral to local, state or federal agencies providing
4 medical, mental health, disability income replacement and substance abuse
5 services, only in a facility that is in existence on January 1, 2006. The ser-
6 vices may not include direct delivery of medical, mental health, disability
7 income replacement or substance abuse services.

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

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

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

24 “(i) Home occupations as provided in ORS 215.448.

25 “(j) A facility for the primary processing of forest products, provided that
26 such facility is found to not seriously interfere with accepted farming prac-
27 tices and is compatible with farm uses described in ORS 215.203 (2). Such a
28 facility may be approved for a one-year period which is renewable. These
29 facilities are intended to be only portable or temporary in nature. The pri-
30 mary processing of a forest product, as used in this section, means the use

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

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

9 “(L) One manufactured dwelling or recreational vehicle, or the temporary
10 residential use of an existing building, in conjunction with an existing
11 dwelling as a temporary use for the term of a hardship suffered by the ex-
12 isting resident or a relative of the resident. Within three months of the end
13 of the hardship, the manufactured dwelling or recreational vehicle shall be
14 removed or demolished or, in the case of an existing building, the building
15 shall be removed, demolished or returned to an allowed nonresidential use.
16 The governing body or its designee shall provide for periodic review of the
17 hardship claimed under this paragraph. A temporary residence approved un-
18 der this paragraph is not eligible for replacement under subsection (1)(p) of
19 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 un-
23 der subsection (1)(x) of 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
26 species that are not under the jurisdiction of the State Fish and Wildlife
27 Commission or insect species. Insect species shall not include any species
28 under quarantine by the State Department of Agriculture or the United
29 States Department of Agriculture. The county shall provide notice of all
30 applications under this paragraph to the State Department of Agriculture.

1 Notice shall be provided in accordance with the county's land use regu-
2 lations but shall be mailed at least 20 calendar days prior to any adminis-
3 trative decision or initial public hearing on the application.

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

7 “(r) Reconstruction or modification of public roads and highways involv-
8 ing the removal or displacement of buildings but not resulting in the cre-
9 ation of new land parcels.

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

14 “(t) A destination resort that is approved consistent with the require-
15 ments of any statewide planning goal relating to the siting of a destination
16 resort.

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

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

20 “(w) Expansion of existing county fairgrounds and activities directly re-
21 lating to county fairgrounds governed by county fair boards established
22 pursuant to ORS 565.210.

23 “(x) A living history museum related to resource based activities owned
24 and operated by a governmental agency or a local historical society, together
25 with limited commercial activities and facilities that are directly related to
26 the use and enjoyment of the museum and located within authentic buildings
27 of the depicted historic period or the museum administration building, if
28 areas other than an exclusive farm use zone cannot accommodate the mu-
29 seum and related activities or if the museum administration buildings and
30 parking lot are located within one quarter mile of an urban growth bound-

1 ary. As used in this paragraph:

2 “(A) ‘Living history museum’ means a facility designed to depict and in-
3 terpret everyday life and culture of some specific historic period using au-
4 thentic buildings, tools, equipment and people to simulate past activities and
5 events; and

6 “(B) ‘Local historical society’ means the local historical society recog-
7 nized by the county governing body and organized under ORS chapter 65.

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

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

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

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

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

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

29 “(4) The following agri-tourism and other commercial events or activities
30 that are related to and supportive of agriculture may be established in any

1 area zoned for exclusive farm use:

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

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

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

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

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

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

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

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

23 “(i) Planned hours of operation;

24 “(ii) Access, egress and parking;

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

27 “(iv) Sanitation and solid waste.

28 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a
29 county may authorize, through an expedited, single-event license, a single
30 agri-tourism or other commercial event or activity on a tract in a calendar

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

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

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

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

12 “(D) May not include the artificial amplification of music or voices before
13 8 a.m. or after 8 p.m.;

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

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

19 “(G) Must comply with applicable health and fire and life safety require-
20 ments.

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

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

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

30 “(C) May not require that a new permanent structure be built, used or

1 occupied in connection with the agri-tourism or other commercial events or
2 activities;

3 “(D) Must comply with ORS 215.296;

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

7 “(F) Must comply with conditions established for:

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

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

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

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

19 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

1 and activities.

2 **“SECTION 5.** ORS 215.275 is amended to read:

3 “215.275. (1) A utility facility established under ORS 215.213 (1)(c)(A) or
4 215.283 (1)(c)(A) is necessary for public service if the facility must be sited
5 in an exclusive farm use zone in order to provide the service.

6 “(2) To demonstrate that a utility facility is necessary, an applicant for
7 approval under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) must show that
8 reasonable alternatives have been considered and that the facility must be
9 sited in an exclusive farm use zone due to one or more of the following fac-
10 tors:

11 “(a) Technical and engineering feasibility;

12 “(b) The proposed facility is locationally dependent. A utility facility is
13 locationally dependent if it must cross land in one or more areas zoned for
14 exclusive farm use in order to achieve a reasonably direct route or to meet
15 unique geographical needs that cannot be satisfied on other lands;

16 “(c) Lack of available urban and nonresource lands;

17 “(d) Availability of existing rights of way;

18 “(e) Public health and safety; and

19 “(f) Other requirements of state or federal agencies.

20 “(3) Costs associated with any of the factors listed in subsection (2) of
21 this section may be considered, but cost alone may not be the only consid-
22 eration in determining that a utility facility is necessary for public service.
23 Land costs shall not be included when considering alternative locations for
24 substantially similar utility facilities. The Land Conservation and Develop-
25 ment Commission shall determine by rule how land costs may be considered
26 when evaluating the siting of utility facilities that are not substantially
27 similar.

28 “(4) The owner of a utility facility approved under ORS 215.213 (1)(c)(A)
29 or 215.283 (1)(c)(A) shall be responsible for restoring, as nearly as possible,
30 to its former condition any agricultural land and associated improvements

1 that are damaged or otherwise disturbed by the siting, maintenance, repair
2 or reconstruction of the facility. Nothing in this section shall prevent the
3 owner of the utility facility from requiring a bond or other security from a
4 contractor or otherwise imposing on a contractor the responsibility for res-
5 toration.

6 “(5) The governing body of the county or its designee shall impose clear
7 and objective conditions on an application for utility facility siting under
8 ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) to mitigate and minimize the im-
9 pacts of the proposed facility, if any, on surrounding lands devoted to farm
10 use in order to prevent a significant change in accepted farm practices or a
11 significant increase in the cost of farm practices on the surrounding
12 farmlands.

13 “(6) The provisions of subsections (2) to (5) of this section do not apply
14 to interstate natural gas pipelines and associated facilities authorized by and
15 subject to regulation by the Federal Energy Regulatory Commission.

16 **“SECTION 6.** ORS 215.246 is amended to read:

17 “215.246. (1) The uses allowed under ORS 215.213 (1)(y) and 215.283 (1)(v):

18 “(a) Require a determination by the Department of Environmental Qual-
19 ity, in conjunction with the department’s review of a license, permit or ap-
20 proval, that the application rates and site management practices for the land
21 application of reclaimed water, agricultural or industrial process water or
22 biosolids ensure continued agricultural, horticultural or silvicultural pro-
23 duction and do not reduce the productivity of the tract.

24 “(b) Are not subject to other provisions of ORS 215.213 or 215.283 or to
25 the provisions of ORS 215.275 or 215.296 **or section 2 of this 2013 Act.**

26 “(2) The use of a tract of land on which the land application of reclaimed
27 water, agricultural or industrial process water or biosolids has occurred un-
28 der this section may not be changed to allow a different use unless:

29 “(a) The tract is included within an acknowledged urban growth bound-
30 ary;

1 “(b) The tract is rezoned to a zone other than an exclusive farm use zone;

2 “(c) The different use of the tract is a farm use as defined in ORS 215.203;

3 or

4 “(d) The different use of the tract is a use allowed under:

5 “(A) ORS 215.213 (1)(b), (d) to (f), (i) to (n), (p) to (r), (u), (w) or (x);

6 “(B) ORS 215.213 (2)(a) to (c), (i), (m) or (p) to (r);

7 “(C) ORS 215.213 (11);

8 “(D) ORS 215.283 (1)(b), (d), (e), (h) to (L), (n) to (p), (r), (t) or (u);

9 “(E) ORS 215.283 (2)(a), (j), (L) or (p) to (s); or

10 “(F) ORS 215.283 (4).

11 “(3) When a state agency or a local government makes a land use decision
12 relating to the land application of reclaimed water, agricultural or industrial
13 process water or biosolids under a license, permit or approval by the De-
14 partment of Environmental Quality, the applicant shall explain in writing
15 how alternatives identified in public comments on the land use decision were
16 considered and, if the alternatives are not used, explain in writing the rea-
17 sons for not using the alternatives. The applicant must consider only those
18 alternatives that are identified with sufficient specificity to afford the ap-
19 plicant an adequate opportunity to consider the alternatives. A land use de-
20 cision relating to the land application of reclaimed water, agricultural or
21 industrial process water or biosolids may not be reversed or remanded under
22 this subsection unless the applicant failed to consider identified alternatives
23 or to explain in writing the reasons for not using the alternatives.

24 “(4) The uses allowed under this section include:

25 “(a) The treatment of reclaimed water, agricultural or industrial process
26 water or biosolids that occurs as a result of the land application;

27 “(b) The establishment and use of facilities, including buildings, equip-
28 ment, aerated and nonaerated water impoundments, pumps and other irri-
29 gation equipment, that are accessory to and reasonably necessary for the
30 land application to occur on the subject tract;

1 “(c) The establishment and use of facilities, including buildings and
2 equipment, that are not on the tract on which the land application occurs
3 for the transport of reclaimed water, agricultural or industrial process water
4 or biosolids to the tract on which the land application occurs if the facilities
5 are located within:

6 “(A) A public right of way; or

7 “(B) Other land if the landowner provides written consent and the owner
8 of the facility complies with ORS 215.275 (4); and

9 “(d) The transport by vehicle of reclaimed water or agricultural or in-
10 dustrial process water to a tract on which the water will be applied to land.

11 “(5) Uses not allowed under this section include:

12 “(a) The establishment and use of facilities, including buildings or equip-
13 ment, for the treatment of reclaimed water, agricultural or industrial process
14 water or biosolids other than those treatment facilities related to the treat-
15 ment that occurs as a result of the land application; or

16 “(b) The establishment and use of utility facility service lines allowed
17 under ORS 215.213 (1)(x) or 215.283 (1)(u).

18 **“SECTION 7.** ORS 215.276 is amended to read:

19 “215.276. (1) As used in this section:

20 “(a) ‘Consult’ means to make an effort to contact for purpose of notifying
21 the record owner of the opportunity to meet.

22 “(b) ‘High-value farmland’ has the meaning given that term in ORS
23 195.300.

24 “(c) ‘Transmission line’ means a linear utility facility by which a utility
25 provider transfers the utility product in bulk from a point of origin or gen-
26 eration, or between transfer stations, to the point at which the utility prod-
27 uct is transferred to distribution lines for delivery to end users.

28 “(2) If the criteria described in ORS 215.275 for siting a utility facility
29 on land zoned for exclusive farm use are met for a utility facility that is a
30 transmission line, **or if the criteria described in section 2 of this 2013**

1 **Act for siting an associated transmission line are met**, the utility pro-
2 vider shall, after the route is approved by the siting authorities and before
3 construction of the transmission line begins, consult the record owner of
4 high-value farmland in the planned route for the purpose of locating and
5 constructing the transmission line in a manner that minimizes the impact
6 on farming operations on high-value farmland. If the record owner does not
7 respond within two weeks after the first documented effort to consult the
8 record owner, the utility provider shall notify the record owner by certified
9 mail of the opportunity to consult. If the record owner does not respond
10 within two weeks after the certified mail is sent, the utility provider has
11 satisfied the provider's obligation to consult.

12 “(3) The requirement to consult under this section is in addition to and
13 not in lieu of any other legally required consultation process.”.

14
