

Senate Bill 873

Sponsored by Senator HANSELL; Senator FERRIOLI, Representatives BARRETO, BENTZ

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**.

Modifies authority to site or modify certain utility facilities on land zoned for exclusive farm use.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to utility facilities on land zoned for exclusive farm use; creating new provisions; amending
3 ORS 215.213, 215.246, 215.274, 215.275, 215.276 and 215.283; and declaring an emergency.

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

5 **SECTION 1.** ORS 215.274 is amended to read:

6 215.274. *[(1) As used in this section, "associated transmission line" has the meaning given that term
7 in ORS 469.300.]*

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

11 *[(a) At least one of the requirements listed in subsection (3) of this section; or]*

12 *[(b) The requirements described in subsection (4) of this section.]*

13 *[(3) The governing body of a county or its designee shall approve an application under this section
14 if an applicant demonstrates that the entire route of the associated transmission line meets at least one
15 of the following requirements:]*

16 *[(a) The associated transmission line is not located on high-value farmland, as defined in ORS
17 195.300, or on arable land;]*

18 *[(b) The associated transmission line is co-located with an existing transmission line;]*

19 *[(c) The associated transmission line parallels an existing transmission line corridor with the
20 minimum separation necessary for safety; or]*

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

23 *[(4)(a) Except as provided in subsection (3) of this section, the governing body of a county or its
24 designee shall approve an application under this section if, after an evaluation of reasonable alterna-
25 tives, the applicant demonstrates that the entire route of the associated transmission line meets, subject
26 to paragraphs (b) and (c) of this subsection, two or more of the following factors:]*

27 *[(A) Technical and engineering feasibility;]*

28 *[(B) The associated transmission line is locationally dependent because the associated transmission
29 line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably
30 direct route or to meet unique geographical needs that cannot be satisfied on other lands;]*

31 *[(C) Lack of an available existing right of way for a linear facility, such as a transmission line,*

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 road or railroad, that is located above the surface of the ground;]

2 [(D) Public health and safety; or]

3 [(E) Other requirements of state or federal agencies.]

4 [(b) The applicant shall present findings to the governing body of the county or its designee on how
5 the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on
6 surrounding lands devoted to farm use in order to prevent a significant change in accepted farm
7 practices or a significant increase in the cost of farm practices on the surrounding farmland.]

8 [(c) The governing body of a county or its designee may consider costs associated with any of the
9 factors listed in paragraph (a) of this subsection, but consideration of cost may not be the only con-
10 sideration in determining whether the associated transmission line is necessary for public service.]

11 **As used in ORS 215.274 to 215.276:**

12 (1) **“Consult” means to make an effort to contact for purpose of notifying the record
13 owner of the opportunity to meet.**

14 (2) **“High-value farmland” has the meaning given that term in ORS 195.300.**

15 (3) **“Highly productive farmland” means:**

16 (a) **High-value farmland; and**

17 (b) **Lots or parcels used for a confined animal feeding operation, as defined in ORS
18 468B.205.**

19 (4) **“Transmission line” means a linear utility facility by which a utility provider transfers
20 the utility product in bulk from a point of origin or generation, or between transfer stations,
21 to the point at which the utility product is transferred to distribution lines for delivery to
22 end users.**

23 **SECTION 2.** ORS 215.275 is amended to read:

24 215.275. (1) A utility facility established under ORS 215.213 [(1)(c)(A)] (1)(c) or 215.283
25 [(1)(c)(A)] (1)(c) is necessary for public service if the facility must be sited in an exclusive farm use
26 zone in order to provide the service.

27 (2) To demonstrate that a utility facility, **other than a transmission line**, is necessary[,] **for
28 public service under ORS 215.213 (1)(c) or 215.283 (1)(c):**

29 (a) An applicant for approval [under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A)] must show that
30 reasonable alternatives have been considered and that the facility must be sited in an exclusive farm
31 use zone due to one or more of the following factors:

32 [(a)] (A) Technical and engineering feasibility;

33 [(b)] (B) The proposed facility is locationally dependent. A utility facility is locationally de-
34 pendent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve
35 a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other
36 lands;

37 [(c)] (C) Lack of available urban and nonresource lands;

38 [(d)] (D) Availability of existing rights of way;

39 [(e)] (E) Public health and safety; and

40 [(f)] (F) Other requirements of state or federal agencies.

41 [(3)] (b) Costs associated with any of the factors listed in **this** subsection [(2) of this section] may
42 be considered, but cost alone may not be the only consideration in determining that a utility facility
43 is necessary for public service. Land costs [shall] **may** not be included when considering alternative
44 locations for substantially similar utility facilities. [The Land Conservation and Development Com-
45 mission shall determine by rule how land costs may be considered when evaluating the siting of utility

1 *facilities that are not substantially similar.]*

2 [(4)] (3) The owner of a utility facility *[approved under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A)*
 3 *shall be]*, **other than a transmission line, is** responsible for restoring, as nearly as possible, to its
 4 former condition any agricultural land and associated improvements that are damaged or otherwise
 5 disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this section
 6 shall prevent the owner of the utility facility from requiring a bond or other security from a con-
 7 tractor or otherwise imposing on a contractor the responsibility for restoration.

8 [(5)] (4) The governing body of the county or its designee shall impose clear and objective con-
 9 ditions on an application for utility facility siting *[under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A)]*,
 10 **other than a transmission line**, to mitigate and minimize the impacts of the proposed facility, if
 11 any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted
 12 farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.

13 **(5) To demonstrate that a transmission line, or a change proposed to an existing trans-**
 14 **mission line, is necessary for public service:**

15 **(a) An applicant for approval under ORS 215.213 (1)(c) or 215.283 (1)(c) must demonstrate**
 16 **to the governing body of a county or its designee that:**

17 **(A) Segments of the transmission line, and substations associated with the segment of**
 18 **the transmission line, are sited, to the maximum extent possible, on the least productive**
 19 **farmland.**

20 **(B) Any segment of the transmission line sited on highly productive farmland is sited:**

21 **(i) In that location because alternative builds, designs or alignments of the transmission**
 22 **line, or any segment of the transmission line, and substations associated with the segment,**
 23 **that avoid highly productive farmland are not reasonable, given the available technology; and**

24 **(ii) In a manner designed to cause the least adverse impact on highly productive**
 25 **farmland.**

26 **(C) The transmission line, alone or in combination with other transmission lines con-**
 27 **structed or approved in the area by the county, state or federal government, does not:**

28 **(i) Materially alter the stability of the agricultural land use pattern in the area; or**

29 **(ii) Cause a significant change to farming practices on highly productive farmland or**
 30 **significantly increase the cost of farming practices on highly productive farmland.**

31 **(b) Costs associated with any of the criteria listed in paragraph (a) of this section may**
 32 **be considered, but costs alone may not be the only consideration in determining that an**
 33 **transmission line is necessary for public service. Land costs may not be included when con-**
 34 **sidering alternative locations for substantially similar utility facilities.**

35 **(6) The Land Conservation and Development Commission shall determine by rule how**
 36 **land costs may be considered when evaluating the siting of utility facilities that are not**
 37 **substantially similar under ORS 215.213 (1)(c) or 215.283 (1)(c).**

38 [(6)] (7) The provisions of subsections (2) to [(5)] (6) of this section do not apply to interstate
 39 natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal
 40 Energy Regulatory Commission.

41 **SECTION 3.** ORS 215.276 is amended to read:

42 215.276. [(1) As used in this section:]

43 [(a) "Consult" means to make an effort to contact for purpose of notifying the record owner of the
 44 opportunity to meet.]

45 [(b) "High-value farmland" has the meaning given that term in ORS 195.300.]

1 [(c) “Transmission line” means a linear utility facility by which a utility provider transfers the
2 utility product in bulk from a point of origin or generation, or between transfer stations, to the point
3 at which the utility product is transferred to distribution lines for delivery to end users.]

4 [(2)] (1) If the criteria described in ORS 215.275 for siting a utility facility on land zoned for
5 exclusive farm use are met for a utility facility that is a transmission line, [or if the criteria described
6 in ORS 215.274 for siting an associated transmission line are met,] the utility provider shall, after the
7 route is approved by the siting authorities and before construction of the transmission line begins,
8 consult the record owner of [high-value] **highly productive** farmland in the planned route for the
9 purpose of locating and constructing the transmission line in a manner that minimizes the impact
10 on farming operations on [high-value] **highly productive** farmland. If the record owner does not re-
11 spond within two weeks after the first documented effort to consult the record owner, the utility
12 provider shall notify the record owner by certified mail of the opportunity to consult. If the record
13 owner does not respond within two weeks after the certified mail is sent, the utility provider has
14 satisfied the provider’s obligation to consult.

15 [(3)] (2) The requirement to consult under this section is in addition to and not in lieu of any
16 other legally required consultation process.

17 **SECTION 4.** ORS 215.213 is amended to read:

18 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
19 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

26 [(A) ORS 215.275; or]

27 [(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
28 469.300] **ORS 215.274 to 215.276.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (r) Farm stands if:

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

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

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

45 (t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as

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

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

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

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

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

27 (A) A public right of way;

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

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

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

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

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

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

43 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
44 the following uses may be established in any area zoned for exclusive farm use subject to ORS
45 215.296:

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

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

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

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

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

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

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

19 (d) Operations conducted for:

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

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

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

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

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

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

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

41 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
42 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-
43 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional
44 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-
45 erations. No aircraft may be based on a personal-use airport other than those owned or controlled

1 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be
2 granted through waiver action by the Oregon Department of Aviation in specific instances. A
3 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
4 ject to any applicable rules of the Oregon Department of Aviation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 metropolitan urban growth boundary. As used in this paragraph:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (a) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be es-

1 tablished; and

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

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

13 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
14 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (C) The maximum attendance at the agri-tourism or other commercial event or activity does not

1 exceed 500 people;

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

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

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

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

10 (i) Planned hours of operation;

11 (ii) Access, egress and parking;

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

14 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

41 (D) Must comply with ORS 215.296;

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

44 (F) Must comply with conditions established for:

45 (i) The types of agri-tourism or other commercial events or activities that are authorized during

1 each calendar year, including the number and duration of the agri-tourism or other commercial
2 events and activities, the anticipated daily attendance and the hours of operation;

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

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

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

9 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

45 **SECTION 5.** ORS 215.213, as amended by section 7, chapter 462, Oregon Laws 2013, is amended

1 to read:

2 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
3 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

10 [(A) ORS 215.275; or]

11 [(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
12 469.300] **ORS 215.274 to 215.276.**

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

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

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

28 (g) Operations for the exploration for and production of geothermal resources as defined by ORS
29 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
30 compressors, separators and other customary production equipment for an individual well adjacent
31 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
32 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

45 (k) Reconstruction or modification of public roads and highways, including the placement of

1 utility facilities overhead and in the subsurface of public roads and highways along the public right
 2 of way, but not including the addition of travel lanes, where no removal or displacement of buildings
 3 would occur, or no new land parcels result.

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

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

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

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

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

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

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

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

18 (C) Has interior wiring for interior lights;

19 (D) Has a heating system; and

20 (E) In the case of replacement:

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

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

43 (r) Farm stands if:

44 (A) The structures are designed and used for the sale of farm crops or livestock grown on the
 45 farm operation, or grown on the farm operation and other farm operations in the local agricultural

1 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm
2 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-
3 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
4 and

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

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

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

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

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

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

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

38 (A) A public right of way;

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

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

42 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-
43 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
44 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
45 of reclaimed water, agricultural or industrial process water or biosolids for agricultural,

1 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
2 exclusive farm use zone under this chapter.

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

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

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

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

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

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

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

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

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

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

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

30 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the creation of new land parcels.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (i) Planned hours of operation;

22 (ii) Access, egress and parking;

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

25 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (D) Must comply with ORS 215.296;

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

10 (F) Must comply with conditions established for:

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

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

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

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

20 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **SECTION 6.** ORS 215.283 is amended to read:

12 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

19 [(A) ORS 215.275; or]

20 [(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
21 469.300] **ORS 215.274 to 215.276.**

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

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

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

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

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

43 (i) Reconstruction or modification of public roads and highways, including the placement of
44 utility facilities overhead and in the subsurface of public roads and highways along the public right
45 of way, but not including the addition of travel lanes, where no removal or displacement of buildings

1 would occur, or no new land parcels result.

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

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

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

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

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

12 (o) Farm stands if:

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

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

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

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

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

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

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

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

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

6 (A) A public right of way;

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

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

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

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

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

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

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

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

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

29 (b) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (i) Planned hours of operation;

26 (ii) Access, egress and parking;

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

29 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

11 (D) Must comply with ORS 215.296;

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

14 (F) Must comply with conditions established for:

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

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

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

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

24 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **SECTION 7.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, is amended
16 to read:

17 215.283. (1) The following uses may be established in any area zoned for 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 treatment systems but
21 not including commercial facilities for the purpose of generating electrical power for public use by
22 sale or transmission towers over 200 feet in height. A utility facility necessary for public service
23 may be established as provided in[.]

24 [(A) ORS 215.275; or]

25 [(B) *If the utility facility is an associated transmission line, as defined in ORS 215.274 and*
26 *469.300*] **ORS 215.274 to 215.276.**

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

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

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

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

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

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

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

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

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

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

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

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

17 (o) Farm stands if:

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

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

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

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

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

31 (C) Has interior wiring for interior lights;

32 (D) Has a heating system; and

33 (E) In the case of replacement:

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

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

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

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

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

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

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

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

38 (A) A public right of way;

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

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

42 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
43 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
44 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
45 of reclaimed water, agricultural or industrial process water or biosolids for agricultural,

1 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
2 exclusive farm use zone under this chapter.

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

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

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

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

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

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

16 (b) Operations conducted for:

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

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

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

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

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

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

35 (e) Community centers owned by a governmental agency or a nonprofit community organization
36 and operated primarily by and for residents of the local rural community. A community center au-
37 thorized under this paragraph may provide services to veterans, including but not limited to emer-
38 gency and transitional shelter, preparation and service of meals, vocational and educational
39 counseling and referral to local, state or federal agencies providing medical, mental health, disability
40 income replacement and substance abuse services, only in a facility that is in existence on January
41 1, 2006. The services may not include direct delivery of medical, mental health, disability income
42 replacement or substance abuse services.

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

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

45 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-

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

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

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

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

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

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

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

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

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

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

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

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

45 (s) Improvement of public road and highway related facilities, such as maintenance yards, weigh

1 stations and rest areas, where additional property or right of way is required but not resulting in
2 the creation of new land parcels.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72

1 consecutive hours;

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

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

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

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

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

12 (i) Planned hours of operation;

13 (ii) Access, egress and parking;

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

16 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

43 (D) Must comply with ORS 215.296;

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

- 1 (F) Must comply with conditions established for:
- 2 (i) The types of agri-tourism or other commercial events or activities that are authorized during
- 3 each calendar year, including the number and duration of the agri-tourism or other commercial
- 4 events and activities, the anticipated daily attendance and the hours of operation;
- 5 (ii) The location of existing structures and the location of proposed temporary structures to be
- 6 used in connection with the agri-tourism or other commercial events or activities;
- 7 (iii) The location of access and egress and parking facilities to be used in connection with the
- 8 agri-tourism or other commercial events or activities;
- 9 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
- 10 public roads; and
- 11 (v) Sanitation and solid waste.
- 12 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
- 13 or other commercial events or activities that occur more frequently or for a longer period or that
- 14 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
- 15 commercial events or activities comply with any local standards that apply and the agri-tourism or
- 16 other commercial events or activities:
- 17 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
- 18 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
- 19 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
- 20 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
- 21 and
- 22 (D) Do not exceed 18 events or activities in a calendar year.
- 23 (5) A holder of a permit authorized by a county under subsection (4)(d) of this section must re-
- 24 quest review of the permit at four-year intervals. Upon receipt of a request for review, the county
- 25 shall:
- 26 (a) Provide public notice and an opportunity for public comment as part of the review process;
- 27 and
- 28 (b) Limit its review to events and activities authorized by the permit, conformance with condi-
- 29 tions of approval required by the permit and the standards established by subsection (4)(d) of this
- 30 section.
- 31 (6) For the purposes of subsection (4) of this section:
- 32 (a) A county may authorize the use of temporary structures established in connection with the
- 33 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.
- 34 However, the temporary structures must be removed at the end of the agri-tourism or other event
- 35 or activity. The county may not approve an alteration to the land in connection with an agri-tourism
- 36 or other commercial event or activity authorized under subsection (4) of this section, including, but
- 37 not limited to, grading, filling or paving.
- 38 (b) The county may issue the limited use permits authorized by subsection (4)(c) of this section
- 39 for two calendar years. When considering an application for renewal, the county shall ensure com-
- 40 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and
- 41 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
- 42 authorized by the permit.
- 43 (c) The authorizations provided by subsection (4) of this section are in addition to other au-
- 44 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-
- 45 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial

1 events and activities.

2 **SECTION 8.** ORS 215.246 is amended to read:

3 215.246. (1) The uses allowed under ORS 215.213 (1)(y) and 215.283 (1)(v):

4 (a) Require a determination by the Department of Environmental Quality, in conjunction with
5 the department's review of a license, permit or approval, that the application rates and site man-
6 agement practices for the land application of reclaimed water, agricultural or industrial process
7 water or biosolids ensure continued agricultural, horticultural or silvicultural production and do not
8 reduce the productivity of the tract.

9 (b) Are not subject to other provisions of ORS 215.213 or 215.283 or to the provisions of ORS
10 215.274, 215.275 or 215.296.

11 (2) The use of a tract of land on which the land application of reclaimed water, agricultural or
12 industrial process water or biosolids has occurred under this section may not be changed to allow
13 a different use unless:

14 (a) The tract is included within an acknowledged urban growth boundary;

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

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

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

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

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

20 (C) ORS 215.213 (11);

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

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

23 (F) ORS 215.283 (4).

24 (3) When a state agency or a local government makes a land use decision relating to the land
25 application of reclaimed water, agricultural or industrial process water or biosolids under a license,
26 permit or approval by the Department of Environmental Quality, the applicant shall explain in
27 writing how alternatives identified in public comments on the land use decision were considered and,
28 if the alternatives are not used, explain in writing the reasons for not using the alternatives. The
29 applicant must consider only those alternatives that are identified with sufficient specificity to af-
30 ford the applicant an adequate opportunity to consider the alternatives. A land use decision relating
31 to the land application of reclaimed water, agricultural or industrial process water or biosolids may
32 not be reversed or remanded under this subsection unless the applicant failed to consider identified
33 alternatives or to explain in writing the reasons for not using the alternatives.

34 (4) The uses allowed under this section include:

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

37 (b) The establishment and use of facilities, including buildings, equipment, aerated and
38 nonaerated water impoundments, pumps and other irrigation equipment, that are accessory to and
39 reasonably necessary for the land application to occur on the subject tract;

40 (c) The establishment and use of facilities, including buildings and equipment, that are not on
41 the tract on which the land application occurs for the transport of reclaimed water, agricultural or
42 industrial process water or biosolids to the tract on which the land application occurs if the facili-
43 ties are located within:

44 (A) A public right of way; or

45 (B) Other land if the landowner provides written consent and the owner of the facility complies

1 with ORS 215.275 [(4)] (3); and

2 (d) The transport by vehicle of reclaimed water or agricultural or industrial process water to
3 a tract on which the water will be applied to land.

4 (5) Uses not allowed under this section include:

5 (a) The establishment and use of facilities, including buildings or equipment, for the treatment
6 of reclaimed water, agricultural or industrial process water or biosolids other than those treatment
7 facilities related to the treatment that occurs as a result of the land application; or

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

10 **SECTION 9. (1) ORS 215.275 is added to and made a part of ORS 215.274 to 215.276.**

11 **(2) ORS 215.274 to 215.276 are added to and made a part of ORS 215.203 to 215.311.**

12 **SECTION 10. (1) The amendments to ORS 215.213, 215.246, 215.274, 215.275, 215.276 and**
13 **215.283 as amended by sections 1 to 8 of this 2015 Act apply to an application for approval**
14 **under ORS 215.213 (1)(c) or 215.283 (1)(c) that is decided on or after the effective date of this**
15 **2015 Act.**

16 **(2) For an application received before the effective date of this 2015 Act, the local gov-**
17 **ernment may extend the timeline for taking final action up to the total number of days al-**
18 **lowed under ORS 215.427 or 227.178 for final action on an application deemed complete.**

19 **SECTION 11. This 2015 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
21 **on its passage.**

22 _____