

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2508**

1 On page 1 of the printed bill, line 2, delete “and amending ORS 105.700”  
2 and insert “amending ORS 215.213, 215.246, 215.274, 215.275, 215.276 and  
3 215.283; and declaring an emergency”.

4 Delete lines 4 through 31 and delete page 2 and insert:

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

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

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

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

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

15 “*[(3) The governing body of a county or its designee shall approve an ap-*  
16 *plication under this section if an applicant demonstrates that the entire route*  
17 *of the associated transmission line meets at least one of the following require-*  
18 *ments:]*

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

21 “*[(b) The associated transmission line is co-located with an existing trans-*  
22 *mission line;]*

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

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

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

11       “[(A) *Technical and engineering feasibility;*]

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

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

19       “[(D) *Public health and safety; or]*

20       “[(E) *Other requirements of state or federal agencies.*]

21       “[(b) *The applicant shall present findings to the governing body of the*  
22 *county or its designee on how the applicant will mitigate and minimize the*  
23 *impacts, if any, of the associated transmission line on surrounding lands de-*  
24 *voted to farm use in order to prevent a significant change in accepted farm*  
25 *practices or a significant increase in the cost of farm practices on the sur-*  
26 *rounding farmland.*]

27       “[(c) *The governing body of a county or its designee may consider costs*  
28 *associated with any of the factors listed in paragraph (a) of this subsection,*  
29 *but consideration of cost may not be the only consideration in determining*  
30 *whether the associated transmission line is necessary for public service.*]

1       **“As used in ORS 215.274 to 215.276:**

2       **“(1) ‘Consult’ means to make an effort to contact for purpose of**  
3 **notifying the record owner of the opportunity to meet.**

4       **“(2) ‘High-value farmland’ has the meaning given that term in ORS**  
5 **195.300.**

6       **“(3) ‘Highly productive farmland’ means:**

7       **“(a) High-value farmland; and**

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

10       **“(4) ‘Transmission line’ means an overhead linear utility facility by**  
11 **which a utility provider transfers electricity from a point of origin or**  
12 **generation, or between transfer stations, to the point at which elec-**  
13 **tricity is transferred to distribution lines for delivery to end users.**

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

15       “215.275. (1) A utility facility established under ORS 215.213 [(1)(c)(A)]  
16 **(1)(c)** or 215.283 [(1)(c)(A)] **(1)(c)** is necessary for public service if the facility  
17 must be sited in an exclusive farm use zone in order to provide the service.

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

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

25       “[(a)] **(A)** Technical and engineering feasibility;

26       “[(b)] **(B)** The proposed facility is locationally dependent. A utility fa-  
27 cility is locationally dependent if it must cross land in one or more areas  
28 zoned for exclusive farm use in order to achieve a reasonably direct route  
29 or to meet unique geographical needs that cannot be satisfied on other lands;

30       “[(c)] **(C)** Lack of available urban and nonresource lands;

1 “[(d)] **(D)** Availability of existing rights of way;

2 “[(e)] **(E)** Public health and safety; and

3 “[(f)] **(F)** Other requirements of state or federal agencies.

4 “[(3)] **(b)** Costs associated with any of the factors listed in **this** subsection  
5 [(2) of this section] may be considered, but cost alone may not be the only  
6 consideration in determining that a utility facility is necessary for public  
7 service. Land costs [shall] **may** not be included when considering alternative  
8 locations for substantially similar utility facilities. [The Land Conservation  
9 and Development Commission shall determine by rule how land costs may be  
10 considered when evaluating the siting of utility facilities that are not sub-  
11 stantially similar.]

12 “[(4)] **(3)** The owner of a utility facility [approved under ORS 215.213  
13 (1)(c)(A) or 215.283 (1)(c)(A) shall be], **other than a transmission line, is**  
14 responsible for restoring, as nearly as possible, to its former condition any  
15 agricultural land and associated improvements that are damaged or other-  
16 wise disturbed by the siting, maintenance, repair or reconstruction of the  
17 facility. Nothing in this section shall prevent the owner of the utility fa-  
18 cility from requiring a bond or other security from a contractor or otherwise  
19 imposing on a contractor the responsibility for restoration.

20 “[(5)] **(4)** The governing body of the county or its designee shall impose  
21 clear and objective conditions on an application for utility facility siting  
22 [under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A)], **other than a trans-**  
23 **mission line**, to mitigate and minimize the impacts of the proposed facility,  
24 if any, on surrounding lands devoted to farm use in order to prevent a sig-  
25 nificant change in accepted farm practices or a significant increase in the  
26 cost of farm practices on the surrounding farmlands.

27 “**(5) To demonstrate that a transmission line, or a change, excluding**  
28 **maintenance, proposed to an existing transmission line, is necessary**  
29 **for public service:**

30 “**(a) An applicant for approval under ORS 215.213 (1)(c) or 215.283**

1 (1)(c) must demonstrate to the governing body of a county or its  
2 designee that:

3 “(A) Segments of the transmission line, and substations associated  
4 with the segment of the transmission line, are sited, to the maximum  
5 extent possible, on the least productive farmland.

6 “(B) Any segment of the transmission line sited on highly produc-  
7 tive farmland is sited:

8 “(i) In that location because alternative builds, designs or align-  
9 ments of the transmission line, or any segment of the transmission  
10 line, and substations associated with the segment, that avoid highly  
11 productive farmland are not reasonable, given the available technol-  
12 ogy; and

13 “(ii) In a manner designed to cause the least adverse impact on  
14 highly productive farmland.

15 “(C) The transmission line, alone or in combination with other  
16 transmission lines constructed or approved in the area by the county,  
17 state or federal government, does not:

18 “(i) Materially alter the stability of the agricultural land use pat-  
19 tern in the area; or

20 “(ii) Cause a significant change to farming practices on highly  
21 productive farmland or significantly increase the cost of farming  
22 practices on highly productive farmland.

23 “(b) Costs associated with any of the criteria listed in paragraph (a)  
24 of this section may be considered, but costs alone may not be the only  
25 consideration in determining that an transmission line is necessary for  
26 public service. Land costs may not be included when considering al-  
27 ternative locations for substantially similar utility facilities.

28 “(6) The Land Conservation and Development Commission shall  
29 determine by rule how land costs may be considered when evaluating  
30 the siting of utility facilities that are not substantially similar under

1 **ORS 215.213 (1)(c) or 215.283 (1)(c).**

2 “[6] (7) The provisions of subsections (2) to [(5)] (6) of this section do  
3 not apply to interstate natural gas pipelines and associated facilities au-  
4 thorized by and subject to regulation by the Federal Energy Regulatory  
5 Commission.

6 **“SECTION 3.** ORS 215.276 is amended to read:

7 “215.276. [(1) *As used in this section:*]

8 “[*(a) ‘Consult’ means to make an effort to contact for purpose of notifying*  
9 *the record owner of the opportunity to meet.*]

10 “[*(b) ‘High-value farmland’ has the meaning given that term in ORS*  
11 *195.300.*]

12 “[*(c) ‘Transmission line’ means a linear utility facility by which a utility*  
13 *provider transfers the utility product in bulk from a point of origin or gener-*  
14 *ation, or between transfer stations, to the point at which the utility product is*  
15 *transferred to distribution lines for delivery to end users.*]

16 “[2] (1) If the criteria described in ORS 215.275 for siting a utility fa-  
17 cility on land zoned for exclusive farm use are met for a utility facility that  
18 is a transmission line, [*or if the criteria described in ORS 215.274 for siting*  
19 *an associated transmission line are met,*] the utility provider shall, after the  
20 route is approved by the siting authorities and before construction of the  
21 transmission line begins, consult the record owner of [*high-value*] **highly**  
22 **productive** farmland in the planned route for the purpose of locating and  
23 constructing the transmission line in a manner that minimizes the impact  
24 on farming operations on [*high-value*] **highly productive** farmland. If the  
25 record owner does not respond within two weeks after the first documented  
26 effort to consult the record owner, the utility provider shall notify the record  
27 owner by certified mail of the opportunity to consult. If the record owner  
28 does not respond within two weeks after the certified mail is sent, the utility  
29 provider has satisfied the provider’s obligation to consult.

30 “[3] (2) The requirement to consult under this section is in addition to

1 and not in lieu of any other legally required consultation process.

2 **“SECTION 4.** ORS 215.213 is amended to read:

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

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

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

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

13 “[A] *ORS 215.275; or*]

14 “[B] *If the utility facility is an associated transmission line, as defined in*  
15 *ORS 215.274 and 469.300*] **ORS 215.274 to 215.276.**

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

29 “(e) Nonresidential buildings customarily provided in conjunction with  
30 farm use.

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

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

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

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

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

28       “(k) Reconstruction or modification of public roads and highways, in-  
29 cluding the placement of utility facilities overhead and in the subsurface of  
30 public roads and highways along the public right of way, but not including



1 the addition of travel lanes, where no removal or displacement of buildings  
2 would occur, or no new land parcels result.

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

5 “(m) Minor betterment of existing public road and highway related facil-  
6 ities, such as maintenance yards, weigh stations and rest areas, within right  
7 of way existing as of July 1, 1987, and contiguous public-owned property  
8 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  
11 the existing dwelling has been listed in a county inventory as historic prop-  
12 erty as defined in ORS 358.480.

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

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

15 “(q) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, res-  
16 toration or replacement of a lawfully established dwelling.

17 “(r) Farm stands if:

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

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

29 “(s) An armed forces reserve center, if the center is within one-half mile  
30 of a community college. For purposes of this paragraph, ‘armed forces reserve

1 center' includes an armory or National Guard support facility.

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

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

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

29       “(w) Irrigation reservoirs, canals, delivery lines and those structures and  
30 accessory operational facilities, not including parks or other recreational

1 structures and facilities, associated with a district as defined in ORS 540.505.

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

6 “(A) A public right of way;

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

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

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

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

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

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

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

29 “(a) A primary dwelling in conjunction with farm use or the propagation  
30 or harvesting of a forest product on a lot or parcel that is managed as part

1 of a farm operation or woodlot if the farm operation or woodlot:

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

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

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

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

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

17 “(c) Commercial activities that are in conjunction with farm use, includ-  
18 ing the processing of farm crops into biofuel not permitted under ORS  
19 215.203 (2)(b)(K) or subsection (1)(u) of this section.

20 “(d) Operations conducted for:

21 “(A) Mining and processing of geothermal resources as defined by ORS  
22 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted  
23 under subsection (1)(g) of this section;

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

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

28 “(D) Processing of other mineral resources and other subsurface re-  
29 sources.

30 “(e) Community centers owned by a governmental agency or a nonprofit

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

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

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

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

1 ment of Aviation.

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

12 “(j) A site for the disposal of solid waste approved by the governing body  
13 of a city or county or both and for which a permit has been granted under  
14 ORS 459.245 by the Department of Environmental Quality together with  
15 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 un-  
18 der subsection (1)(z) of 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  
21 species that are not under the jurisdiction of the State Fish and Wildlife  
22 Commission or insect species. Insect species shall not include any species  
23 under quarantine by the State Department of Agriculture or the United  
24 States Department of Agriculture. The county shall provide notice of all  
25 applications under this paragraph to the State Department of Agriculture.  
26 Notice shall be provided in accordance with the county’s land use regu-  
27 lations but shall be mailed at least 20 calendar days prior to any adminis-  
28 trative decision or initial public hearing on the application.

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

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

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

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

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

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

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

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

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

29 “(B) ‘Local historical society’ means the local historical society, recog-  
30 nized as such by the county governing body and organized under ORS chap-

1 ter 65.

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

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

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

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

14 “(3) In counties that have adopted marginal lands provisions under ORS  
15 197.247 (1991 Edition), a single-family residential dwelling not provided in  
16 conjunction with farm use may be established on a lot or parcel with soils  
17 predominantly in capability classes IV through VIII as determined by the  
18 Agricultural Capability Classification System in use by the United States  
19 Department of Agriculture Soil Conservation Service on October 15, 1983. A  
20 proposed dwelling is subject to approval of the governing body or its  
21 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  
24 a significant change in or significantly increase the cost of accepted farming  
25 practices on nearby lands devoted to farm use.

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



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

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

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

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

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

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

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

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

24 “(6) The notice required in subsection (5) of this section shall specify that  
25 persons have 15 days following the date of postmark of the notice to file a  
26 written objection on the grounds only that the dwelling or activities associ-  
27 ated with it would force a significant change in or significantly increase the  
28 cost of accepted farming practices on nearby lands devoted to farm use. If  
29 no objection is received, the governing body or its designee shall approve or  
30 disapprove the application. If an objection is received, the governing body

1 shall set the matter for hearing in the manner prescribed in ORS 215.402 to  
2 215.438. The governing body may charge the reasonable costs of the notice  
3 required by subsection (5)(a) of this section to the applicant for the permit  
4 requested under subsection (4) of this section.

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

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

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

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

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

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

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

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

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

29 “(b) ORS 215.296 for those uses identified by rule of the Land Conserva-  
30 tion and Development Commission as provided in section 3, chapter 529,

1 Oregon Laws 1993.

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

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

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

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

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

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

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

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

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

26 “(i) Planned hours of operation;

27 “(ii) Access, egress and parking;

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

30 “(iv) Sanitation and solid waste.

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

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

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

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

15       “(D) May not include the artificial amplification of music or voices before  
16 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

6       “(D) Must comply with ORS 215.296;

7       “(E) May not, in combination with other agri-tourism or other commercial  
8 events or activities authorized in the area, materially alter the stability of  
9 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  
12 that are authorized during each calendar year, including the number and  
13 duration of the agri-tourism or other commercial events and activities, the  
14 anticipated daily attendance and the hours of operation;

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

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

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

22       “(v) Sanitation and solid waste.

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

29       “(A) Are incidental and subordinate to existing commercial farm use of  
30 the tract and are necessary to support the commercial farm uses or the

1 commercial agricultural enterprises in the area;

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

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

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

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

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

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

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

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

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

30 “(c) The authorizations provided by subsection (11) of this section are in

1 addition to other authorizations that may be provided by law, except that  
2 ‘outdoor mass gathering’ and ‘other gathering,’ as those terms are used in  
3 ORS 197.015 (10)(d), do not include agri-tourism or other commercial events  
4 and activities.

5 **“SECTION 5.** ORS 215.213, as amended by section 7, chapter 462, Oregon  
6 Laws 2013, is amended to read:

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

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

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

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

17 “[A] ORS 215.275; or]

18 “[B] *If the utility facility is an associated transmission line, as defined in*  
19 *ORS 215.274 and 469.300*] **ORS 215.274 to 215.276.**

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

1 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as  
2 a partition of the homesite to create a new parcel.

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

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

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

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

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

30 “(j) Climbing and passing lanes within the right of way existing as of July



1 1, 1987.

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

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

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

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

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

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

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

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

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

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

25 “(D) Has a heating system; and

26 “(E) In the case of replacement:

27 “(i) Is removed, demolished or converted to an allowable nonresidential  
28 use within three months of the completion of the replacement dwelling. A  
29 replacement dwelling may be sited on any part of the same lot or parcel. A  
30 dwelling established under this paragraph shall comply with all applicable

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

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

27 “(r) Farm stands if:

28 “(A) The structures are designed and used for the sale of farm crops or  
29 livestock grown on the farm operation, or grown on the farm operation and  
30 other farm operations in the local agricultural area, including the sale of

1 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  
3 items and fees from promotional activity do not make up more than 25 per-  
4 cent of the total annual sales of the farm stand; and

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

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

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

26 “(u) A facility for the processing of farm crops or for the production of  
27 biofuel, as defined in ORS 315.141, if the facility is located on a farm oper-  
28 ation that provides at least one-quarter of the farm crops processed at the  
29 facility, or an establishment for the slaughter, processing or selling of  
30 poultry or poultry products pursuant to ORS 603.038. If a building is estab-

1 lished or used for the processing facility or establishment, the farm operator  
2 may not devote more than 10,000 square feet of floor area to the processing  
3 facility or establishment, exclusive of the floor area designated for prepara-  
4 tion, storage or other farm use. A processing facility or establishment must  
5 comply with all applicable siting standards but the standards may not be  
6 applied in a manner that prohibits the siting of the processing facility or  
7 establishment.

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

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

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

16 “(A) A public right of way;

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

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

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

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

30 “(A) The number of dogs participating in training does not exceed 10 dogs

1 per training class and the number of training classes to be held on-site does  
2 not exceed six per day; and

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

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

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

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

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

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

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

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

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

30 “(d) Operations conducted for:

1       “(A) Mining and processing of geothermal resources as defined by ORS  
2 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted  
3 under subsection (1)(g) of this section;

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

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

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

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

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

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

30       “(h) Personal-use airports for airplanes and helicopter pads, including

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

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

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

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

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

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

30 “(m) The propagation, cultivation, maintenance and harvesting of aquatic

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

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

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

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

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

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

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

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

26 “(u) A living history museum related to resource based activities owned  
27 and operated by a governmental agency or a local historical society, together  
28 with limited commercial activities and facilities that are directly related to  
29 the use and enjoyment of the museum and located within authentic buildings  
30 of the depicted historic period or the museum administration building, if



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

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

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

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

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

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

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

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

1 designee in any area zoned for exclusive farm use upon written findings  
2 showing all of the following:

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

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

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

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

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

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

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

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

30 “(a) Owners of land that is within 250 feet of the lot or parcel on which

1 the dwelling will be established; and

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

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

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

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

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

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

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

30 “(9) No final approval of a nonfarm use under this section shall be given

1 unless any additional taxes imposed upon the change in use have been paid.

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

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

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

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

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

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

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

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

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

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

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

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

6 “(i) Planned hours of operation;

7 “(ii) Access, egress and parking;

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

10 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

30 “(F) Must be located on a tract of at least 10 acres unless the owners or

1 residents of adjoining properties consent, in writing, to the location; and

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

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

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

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

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

16 “(D) Must comply with ORS 215.296;

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

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

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

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

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

30 “(iv) Traffic management, including the projected number of vehicles and

1 any anticipated use of public roads; and

2 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

1 with an agri-tourism or other commercial event or activity authorized under  
2 subsection (11) of this section, including, but not limited to, grading, filling  
3 or paving.

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

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

15 **“SECTION 6.** ORS 215.283 is amended to read:

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

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

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

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

25 “[A] *ORS 215.275; or*]

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

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



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

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

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

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

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

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

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

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

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

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

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

11       “(o) Farm stands if:

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

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

23       “(p) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, res-  
24 toration or replacement of a lawfully established dwelling.

25       “(q) A site for the takeoff and landing of model aircraft, including such  
26 buildings or facilities as may reasonably be necessary. Buildings or facilities  
27 shall not be more than 500 square feet in floor area or placed on a permanent  
28 foundation unless the building or facility preexisted the use approved under  
29 this paragraph. The site shall not include an aggregate surface or hard sur-  
30 face area unless the surface preexisted the use approved under this para-

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

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

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

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

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

29       “(A) A public right of way;

30       “(B) Land immediately adjacent to a public right of way, provided the

1 written consent of all adjacent property owners has been obtained; or

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

3 “(v) Subject to the issuance of a license, permit or other approval by the  
4 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,  
5 468B.053 or 468B.055, or in compliance with rules adopted under ORS  
6 468B.095, and as provided in ORS 215.246 to 215.251, the land application of  
7 reclaimed water, agricultural or industrial process water or biosolids for  
8 agricultural, horticultural or silvicultural production, or for irrigation in  
9 connection with a use allowed in an exclusive farm use zone under this  
10 chapter.

11 “(w) A county law enforcement facility that lawfully existed on August  
12 20, 2002, and is used to provide rural law enforcement services primarily in  
13 rural areas, including parole and post-prison supervision, but not including  
14 a correctional facility as defined under ORS 162.135.

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

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

20 “(B) The number of dogs participating in a testing trial does not exceed  
21 60 and the number of testing trials to be conducted on-site is limited to four  
22 or fewer trials per calendar year.

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

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

29 “(b) Operations conducted for:

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

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

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

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

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

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

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

24 “(e) Community centers owned by a governmental agency or a nonprofit  
25 community organization and operated primarily by and for residents of the  
26 local rural community. A community center authorized under this paragraph  
27 may provide services to veterans, including but not limited to emergency and  
28 transitional shelter, preparation and service of meals, vocational and educa-  
29 tional counseling and referral to local, state or federal agencies providing  
30 medical, mental health, disability income replacement and substance abuse

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

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

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

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

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

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

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

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

16 “(m) Transmission towers over 200 feet in height.

17 “(n)(A) Commercial dog boarding kennels; or

18 “(B) Dog training classes or testing trials that cannot be established un-  
19 der subsection (1)(x) of this section.

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

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

30 “(q) Construction of additional passing and travel lanes requiring the

1 acquisition of right of way but not resulting in the creation of new land  
2 parcels.

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

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

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

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

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

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

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

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



1 events; and

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

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

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

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

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

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

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

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

28 “(a) A county may authorize a single agri-tourism or other commercial  
29 event or activity on a tract in a calendar year by an authorization that is  
30 personal to the applicant and is not transferred by, or transferable with, a

1 conveyance of the tract, if the agri-tourism or other commercial event or  
2 activity meets any local standards that apply and:

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

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

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

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

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

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

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

19 “(i) Planned hours of operation;

20 “(ii) Access, egress and parking;

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

23 “(iv) Sanitation and solid waste.

24 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a  
25 county may authorize, through an expedited, single-event license, a single  
26 agri-tourism or other commercial event or activity on a tract in a calendar  
27 year by an expedited, single-event license that is personal to the applicant  
28 and is not transferred by, or transferable with, a conveyance of the tract. A  
29 decision concerning an expedited, single-event license is not a land use de-  
30 cision, as defined in ORS 197.015. To approve an expedited, single-event li-

1 cense, the governing body of a county or its designee must determine that  
2 the proposed agri-tourism or other commercial event or activity meets any  
3 local standards that apply, and the agri-tourism or other commercial event  
4 or activity:

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

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

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

8 “(D) May not include the artificial amplification of music or voices before  
9 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

29 “(D) Must comply with ORS 215.296;

30 “(E) May not, in combination with other agri-tourism or other commercial

1 events or activities authorized in the area, materially alter the stability of  
2 the land use pattern in the area; and

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

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

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

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

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

15 “(v) Sanitation and solid waste.

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

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

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

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

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

30 “(5) A holder of a permit authorized by a county under subsection (4)(d)

1 of this section must request review of the permit at four-year intervals. Upon  
2 receipt of a request for review, the county shall:

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

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

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

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

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

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

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

30 “215.283. (1) The following uses may be established in any area zoned for

1 exclusive farm use:

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

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

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

9 “[A] *ORS 215.275; or*]

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

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

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

27 “(f) Operations for the exploration for and production of geothermal re-  
28 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,  
29 including the placement and operation of compressors, separators and other  
30 customary production equipment for an individual well adjacent to the

1 wellhead. Any activities or construction relating to such operations shall not  
2 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

25 “(o) Farm stands if:

26 “(A) The structures are designed and used for the sale of farm crops or  
27 livestock grown on the farm operation, or grown on the farm operation and  
28 other farm operations in the local agricultural area, including the sale of  
29 retail incidental items and fee-based activity to promote the sale of farm  
30 crops or livestock sold at the farm stand if the annual sale of incidental

1 items and fees from promotional activity do not make up more than 25 per-  
2 cent of the total annual sales of the farm stand; and

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

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

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

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

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

13 “(D) Has a heating system; and

14 “(E) In the case of replacement:

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

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

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

29 “(r) A facility for the processing of farm crops or for the production of  
30 biofuel, as defined in ORS 315.141, if the facility is located on a farm oper-

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

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

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

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

19 “(A) A public right of way;

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

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

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

1 “(w) A county law enforcement facility that lawfully existed on August  
2 20, 2002, and is used to provide rural law enforcement services primarily in  
3 rural areas, including parole and post-prison supervision, but not including  
4 a correctional facility as defined under ORS 162.135.

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

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

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

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

16 “(a) Commercial activities that are in conjunction with farm use, includ-  
17 ing the processing of farm crops into biofuel not permitted under ORS  
18 215.203 (2)(b)(K) or subsection (1)(r) of this section.

19 “(b) Operations conducted for:

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

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

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

27 “(D) Processing of other mineral resources and other subsurface re-  
28 sources.

29 “(c) Private parks, playgrounds, hunting and fishing preserves and  
30 campgrounds. Subject to the approval of the county governing body or its

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

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

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

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

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

28 “(h) Personal-use airports for airplanes and helicopter pads, including  
29 associated hangar, maintenance and service facilities. A personal-use airport,  
30 as used in this section, means an airstrip restricted, except for aircraft

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

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

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

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

25 “(L) One manufactured dwelling or recreational vehicle, or the temporary  
26 residential use of an existing building, in conjunction with an existing  
27 dwelling as a temporary use for the term of a hardship suffered by the ex-  
28 isting resident or a relative of the resident. Within three months of the end  
29 of the hardship, the manufactured dwelling or recreational vehicle shall be  
30 removed or demolished or, in the case of an existing building, the building

1 shall be removed, demolished or returned to an allowed nonresidential use.  
2 The governing body or its designee shall provide for periodic review of the  
3 hardship claimed under this paragraph. A temporary residence approved un-  
4 der this paragraph is not eligible for replacement under subsection (1)(p) of  
5 this section.

6 “(m) Transmission towers over 200 feet in height.

7 “(n)(A) Commercial dog boarding kennels; or

8 “(B) Dog training classes or testing trials that cannot be established un-  
9 der subsection (1)(x) of this section.

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

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

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

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

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

30 “(t) A destination resort that is approved consistent with the require-

1 ments of any statewide planning goal relating to the siting of a destination  
2 resort.

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

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

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

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

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

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

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

28 “(z) A landscape contracting business, as defined in ORS 671.520, or a  
29 business providing landscape architecture services, as described in ORS  
30 671.318, if the business is pursued in conjunction with the growing and

1 marketing of nursery stock on the land that constitutes farm use.

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

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

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

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

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

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

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

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

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

29 “(D) The maximum number of motor vehicles parked at the site of the  
30 agri-tourism or other commercial event or activity does not exceed 250 ve-



1 hicles;

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

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

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

9 “(i) Planned hours of operation;

10 “(ii) Access, egress and parking;

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

13 “(iv) Sanitation and solid waste.

14 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a  
15 county may authorize, through an expedited, single-event license, a single  
16 agri-tourism or other commercial event or activity on a tract in a calendar  
17 year by an expedited, single-event license that is personal to the applicant  
18 and is not transferred by, or transferable with, a conveyance of the tract. A  
19 decision concerning an expedited, single-event license is not a land use de-  
20 cision, as defined in ORS 197.015. To approve an expedited, single-event li-  
21 cense, the governing body of a county or its designee must determine that  
22 the proposed agri-tourism or other commercial event or activity meets any  
23 local standards that apply, and the agri-tourism or other commercial event  
24 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  
29 8 a.m. or after 8 p.m.;

30 “(E) May not require or involve the construction or use of a new perma-

1 nent structure in connection with the agri-tourism or other commercial event  
2 or activity;

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

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

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

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

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

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

19 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

5 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

29 “(a) A county may authorize the use of temporary structures established  
30 in connection with the agri-tourism or other commercial events or activities

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

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

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

18 **“SECTION 8.** ORS 215.246 is amended to read:

19 “215.246. (1) The uses allowed under ORS 215.213 (1)(y) and 215.283 (1)(v):

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

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

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

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

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

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

5 or

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

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

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

9 “(C) ORS 215.213 (11);

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

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

12 “(F) ORS 215.283 (4).

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

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

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

29 “(b) The establishment and use of facilities, including buildings, equip-  
30 ment, aerated and nonaerated water impoundments, pumps and other irri-

1 gation equipment, that are accessory to and reasonably necessary for the  
2 land application to occur on the subject tract;

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

8 “(A) A public right of way; or

9 “(B) Other land if the landowner provides written consent and the owner  
10 of the facility complies with ORS 215.275 [(4)] (3); and

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

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

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

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

20 **“SECTION 9. (1) ORS 215.275 is added to and made a part of ORS**  
21 **215.274 to 215.276.**

22 **“(2) ORS 215.274 to 215.276 are added to and made a part of ORS**  
23 **215.203 to 215.311.**

24 **“SECTION 10. (1) The amendments to ORS 215.213, 215.246, 215.274,**  
25 **215.275, 215.276 and 215.283 by sections 1 to 8 of this 2015 Act apply to**  
26 **an application for approval under ORS 215.213 (1)(c) or 215.283 (1)(c)**  
27 **that is decided on or after the effective date of this 2015 Act.**

28 **“(2) For an application received before the effective date of this 2015**  
29 **Act, the local government may extend the timeline for taking final**  
30 **action up to the total number of days allowed under ORS 215.427 or**

1 **227.178 for final action on an application deemed complete.**

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

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