

DRAFT

SUMMARY

Permits siting of commercial solar photovoltaic power generation facility on land not designated as high value farmland, on high value farmland under certain conditions and as conditional permitted use of land zoned for exclusive farm use.

Establishes procedure for applicant to demonstrate that commercial solar photovoltaic power generation facility must be sited on high value farmland.

A BILL FOR AN ACT

1
2 Relating to solar photovoltaic power generation facilities; creating new pro-
3 visions; and amending ORS 215.213 and 215.283.

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

5 **SECTION 1. Sections 2 and 3 of this 2017 Act are added to and made**
6 **a part of ORS chapter 215.**

7 **SECTION 2. The governing body of a county or its designee may**
8 **allow, subject to any conditions imposed by the governing body, the**
9 **siting of a commercial solar photovoltaic power generation facility for**
10 **the purpose of generating electricity for public use:**

11 **(1) In an area zoned for exclusive farm use, under ORS 215.213 (2)(z)**
12 **or 215.283 (2)(bb);**

13 **(2) On land not determined to be high value farmland, as defined**
14 **in ORS 195.300; or**

15 **(3) On land determined to be high value farmland, if the governing**
16 **body or its designee:**

17 **(a) Adopts an exception to a statewide land use planning goal re-**
18 **lating to agricultural lands under ORS 197.732; or**

1 (b) Determines under section 3 of this 2017 Act that the commercial
2 solar photovoltaic power generation facility must be sited on high
3 value farmland because no alternative site is available.

4 **SECTION 3.** (1) A commercial solar photovoltaic power generation
5 facility must be sited on high value farmland if an applicant for ap-
6 proval under ORS 215.402 to 215.438 demonstrates under subsection (2)
7 of this section that no alternative site is available on land not deter-
8 mined to be high value farmland.

9 (2) To demonstrate that no alternative site is available on land not
10 determined to be high value farmland, an applicant must show that
11 reasonable alternatives have been considered and that the facility
12 must be sited on high value farmland due to one or more of the fol-
13 lowing factors:

14 (a) Technical and engineering feasibility.

15 (b) The proposed facility is locationally dependent. For the purposes
16 of this paragraph, a facility is locationally dependent if it must be lo-
17 cated on high value farmland to meet unique geographical needs that
18 cannot be satisfied on other lands.

19 (c) Lack of available lands that are not determined to be high value
20 farmland.

21 (d) Availability of existing rights of way.

22 (e) Public health and safety.

23 (f) Other requirements of state or federal agencies.

24 (3) Costs associated with any of the factors listed in subsection (2)
25 of this section may be considered, but cost may not be the only con-
26 sideration in determining that an alternative site is not available.

27 (4) The Land Conservation and Development Commission shall de-
28 termine by rule how land costs may be considered when evaluating the
29 siting of facilities that are not substantially similar.

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

31 215.213. (1) In counties that have adopted marginal lands provisions under

1 ORS 197.247 (1991 Edition), the following uses may be established in any area
2 zoned for exclusive farm use:

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

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

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

10 (A) ORS 215.275; or

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

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

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

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

1 size acknowledged under ORS 197.251.

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

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

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

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

24 (k) 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 (L) 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.

31 (m) Minor betterment of existing public road and highway related facili-

1 ties, such as maintenance yards, weigh stations and rest areas, within right
2 of way existing as of July 1, 1987, and contiguous public-owned property
3 utilized to support the operation and maintenance of public roads and high-
4 ways.

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

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

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

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

12 (r) Farm stands if:

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

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

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

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

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

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

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

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

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

30 (A) A public right of way;

31 (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 (y) 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 (z) Dog training classes or testing trials, which may be conducted out-
12 doors or in preexisting farm buildings, when:

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

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

19 (2) In counties that have adopted marginal lands provisions under ORS
20 197.247 (1991 Edition), the following uses may be established in any area
21 zoned for exclusive farm use subject to ORS 215.296:

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

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

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

29 (b) 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
31 of a farm operation or woodlot smaller than required under paragraph (a)

1 of this subsection, if the lot or parcel:

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

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

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

12 (d) Operations conducted for:

13 (A) Mining and processing of geothermal resources as defined by ORS
14 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted
15 under subsection (1)(g) of this section;

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

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

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

21 (e) Community centers owned by a governmental agency or a nonprofit
22 community organization and operated primarily by and for residents of the
23 local rural community, hunting and fishing preserves, public and private
24 parks, playgrounds and campgrounds. Subject to the approval of the county
25 governing body or its designee, a private campground may provide yurts for
26 overnight camping. No more than one-third or a maximum of 10 campsites,
27 whichever is smaller, may include a yurt. The yurt shall be located on the
28 ground or on a wood floor with no permanent foundation. Upon request of
29 a county governing body, the Land Conservation and Development Commis-
30 sion may provide by rule for an increase in the number of yurts allowed on
31 all or a portion of the campgrounds in a county if the commission determines

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

6 (f) Golf courses on land determined not to be high-value farmland as de-
7 fined in ORS 195.300.

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

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

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

1 (j) 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 (k)(A) Commercial dog boarding kennels; or

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

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

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

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

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

20 (p) Construction of additional passing and travel lanes requiring the ac-
21 quisition of right of way but not resulting in the creation of new land par-
22 cels.

23 (q) Reconstruction or modification of public roads and highways involving
24 the removal or displacement of buildings but not resulting in the creation
25 of new land parcels.

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

1 (t) Room and board arrangements for a maximum of five unrelated persons
2 in existing residences.

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

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

16 (B) "Local historical society" means the local historical society, recog-
17 nized as such by the county governing body and organized under ORS chap-
18 ter 65.

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

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

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

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

31 (z) **A commercial solar photovoltaic power generation facility for**

1 **the purpose of generating electricity for public use, as provided in**
2 **section 2 of this 2017 Act.**

3 (3) In counties that have adopted marginal lands provisions under ORS
4 197.247 (1991 Edition), a single-family residential dwelling not provided in
5 conjunction with farm use may be established on a lot or parcel with soils
6 predominantly in capability classes IV through VIII as determined by the
7 Agricultural Capability Classification System in use by the United States
8 Department of Agriculture Soil Conservation Service on October 15, 1983. A
9 proposed dwelling is subject to approval of the governing body or its
10 designee in any area zoned for exclusive farm use upon written findings
11 showing all of the following:

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

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

20 (c) Complies with such other conditions as the governing body or its
21 designee considers necessary.

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

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

30 (b) If the lot or parcel is located within the Willamette River Greenway,
31 a floodplain or a geological hazard area, the dwelling complies with condi-

1 tions imposed by local ordinances relating specifically to the Willamette
2 River Greenway, floodplains or geological hazard areas, whichever is appli-
3 cable; and

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

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

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

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

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

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

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

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

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

31 (b) "Contiguous" means lots, parcels or lots and parcels that have a

1 common boundary, including but not limited to, lots, parcels or lots and
2 parcels separated only by a public road.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (i) Planned hours of operation;

12 (ii) Access, egress and parking;

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

15 (iv) Sanitation and solid waste.

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

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

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

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

30 (D) May not include the artificial amplification of music or voices before
31 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

20 (D) Must comply with ORS 215.296;

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

24 (F) Must comply with conditions established for:

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

29 (ii) The location of existing structures and the location of proposed tem-
30 porary structures to be used in connection with the agri-tourism or other
31 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 the
13 tract and are necessary to support the commercial farm uses or the com-
14 mercial 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 (12) A holder of a permit authorized by a county under subsection (11)(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 (11)(d) of this section.

28 (13) For the purposes of subsection (11) 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
31 authorized under subsection (11) of this section. However, the temporary

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

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

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

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

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

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

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

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

29 (A) ORS 215.275; or

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

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

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

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

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

27 (h) Operations for the exploration for minerals as defined by ORS 517.750.
28 Any activities or construction relating to such operations shall not be a ba-
29 sis for an exception under ORS 197.732 (2)(a) or (b).

30 (i) One manufactured dwelling or recreational vehicle, or the temporary
31 residential use of an existing building, in conjunction with an existing

1 dwelling as a temporary use for the term of a hardship suffered by the ex-
2 isting resident or a relative of the resident. Within three months of the end
3 of the hardship, the manufactured dwelling or recreational vehicle shall be
4 removed or demolished or, in the case of an existing building, the building
5 shall be removed, demolished or returned to an allowed nonresidential use.
6 The governing body or its designee shall provide for periodic review of the
7 hardship claimed under this paragraph. A temporary residence approved un-
8 der this paragraph is not eligible for replacement under paragraph (q) of this
9 subsection.

10 (j) Climbing and passing lanes within the right of way existing as of July
11 1, 1987.

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

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

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

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

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

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

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

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

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

3 (C) Has interior wiring for interior lights;

4 (D) Has a heating system; and

5 (E) In the case of replacement:

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

25 (ii) For which the applicant has requested a deferred replacement permit,
26 is removed or demolished within three months after the deferred replacement
27 permit is issued. A deferred replacement permit allows construction of the
28 replacement dwelling at any time. If, however, the established dwelling is
29 not removed or demolished within three months after the deferred replace-
30 ment permit is issued, the permit becomes void. The replacement dwelling
31 must comply with applicable building codes, plumbing codes, sanitation codes

1 and other requirements relating to health and safety or to siting at the time
2 of construction. A deferred replacement permit may not be transferred, by
3 sale or otherwise, except by the applicant to the spouse or a child of the
4 applicant.

5 (r) Farm stands if:

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

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

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

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

1 to be used for flight and is controlled by radio, lines or design by a person
2 on the ground.

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

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

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

19 (x) Utility facility service lines. Utility facility service lines are utility
20 lines and accessory facilities or structures that end at the point where the
21 utility service is received by the customer and that are located on one or
22 more of the following:

23 (A) A public right of way;

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

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

27 (y) Subject to the issuance of a license, permit or other approval by the
28 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
29 468B.053 or 468B.055, or in compliance with rules adopted under ORS
30 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
31 reclaimed water, agricultural or industrial process water or biosolids for

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

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

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

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

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

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

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

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

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

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

31 (B) Is a woodlot capable of producing an average over the growth cycle

1 of \$20,000 in gross annual income.

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

5 (d) Operations conducted for:

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

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

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

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

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, hunting and fishing preserves, public and private
17 parks, playgrounds and campgrounds. Subject to the approval of the county
18 governing body or its designee, a private campground may provide yurts for
19 overnight camping. No more than one-third or a maximum of 10 campsites,
20 whichever is smaller, may include a yurt. The yurt shall be located on the
21 ground or on a wood floor with no permanent foundation. Upon request of
22 a county governing body, the Land Conservation and Development Commis-
23 sion may provide by rule for an increase in the number of yurts allowed on
24 all or a portion of the campgrounds in a county if the commission determines
25 that the increase will comply with the standards described in ORS 215.296
26 (1). A public park or campground may be established as provided under ORS
27 195.120. As used in this paragraph, "yurt" means a round, domed shelter of
28 cloth or canvas on a collapsible frame with no plumbing, sewage disposal
29 hookup or internal cooking appliance.

30 (f) Golf courses on land determined not to be high-value farmland as de-
31 fined in ORS 195.300.

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

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

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

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

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

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

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

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

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

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

13 (p) Construction of additional passing and travel lanes requiring the ac-
14 quisition of right of way but not resulting in the creation of new land par-
15 cels.

16 (q) Reconstruction or modification of public roads and highways involving
17 the removal or displacement of buildings but not resulting in the creation
18 of new land parcels.

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

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

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

27 (u) A living history museum related to resource based activities owned
28 and operated by a governmental agency or a local historical society, together
29 with limited commercial activities and facilities that are directly related to
30 the use and enjoyment of the museum and located within authentic buildings
31 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 op-
14 eration at its current location within an exclusive farm use zone since De-
15 cember 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, including
22 all buildings essential to the operation of a school, primarily for residents
23 of the rural area in which the school is located.

24 **(z) A commercial solar photovoltaic power generation facility for**
25 **the purpose of generating electricity for public use, as provided in**
26 **section 2 of this 2017 Act.**

27 (3) In counties that have adopted marginal lands provisions under ORS
28 197.247 (1991 Edition), a single-family residential dwelling not provided in
29 conjunction with farm use may be established on a lot or parcel with soils
30 predominantly in capability classes IV through VIII as determined by the
31 Agricultural Capability Classification System in use by the United States

1 Department of Agriculture Soil Conservation Service on October 15, 1983. A
2 proposed dwelling is subject to approval of the governing body or its
3 designee in any area zoned for exclusive farm use upon written findings
4 showing all of the following:

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

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

13 (c) Complies with such other conditions as the governing body or its
14 designee considers necessary.

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

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

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

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

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

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

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

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

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

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

19 (A) A lot or parcel described in this section is contiguous to one or more
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 exclusive
28 farm use zone may retain a life estate in a dwelling on that property and in
29 a tract of land under and around the dwelling.

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

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

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

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

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

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

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

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

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

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

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

30 (F) The agri-tourism or other commercial event or activity occurs out-
31 doors, in temporary structures, or in existing permitted structures, subject

1 to health and fire and life safety requirements; and

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

4 (i) Planned hours of operation;

5 (ii) Access, egress and parking;

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

8 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

30 (G) Must comply with applicable health and fire and life safety require-
31 ments.

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

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

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

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

13 (D) Must comply with ORS 215.296;

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

17 (F) Must comply with conditions established for:

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

22 (ii) The location of existing structures and the location of proposed tem-
23 porary structures to be used in connection with the agri-tourism or other
24 commercial events or activities;

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

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

29 (v) Sanitation and solid waste.

30 (d) In addition to paragraphs (a) to (c) of this subsection, a county may
31 authorize agri-tourism or other commercial events or activities that occur

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

5 (A) Are incidental and subordinate to existing commercial farm use of the
6 tract and are necessary to support the commercial farm uses or the com-
7 mercial agricultural enterprises in the area;

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

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

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

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

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

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

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

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

30 (b) The county may issue the limited use permits authorized by subsection
31 (11)(c) of this section for two calendar years. When considering an applica-

1 tion for renewal, the county shall ensure compliance with the provisions of
2 subsection (11)(c) of this section, any local standards that apply and condi-
3 tions that apply to the permit or to the agri-tourism or other commercial
4 events or activities authorized by the permit.

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

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

11 215.283. (1) The following uses may be established in any area zoned for
12 exclusive farm use:

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

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

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

20 (A) ORS 215.275; or

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

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

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

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

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

13 (g) Operations for the exploration for minerals as defined by ORS 517.750.
14 Any activities or construction relating to such operations shall not be a ba-
15 sis for an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

1 as defined in ORS 358.480.

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

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

4 (o) Farm stands if:

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

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

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

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

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

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

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

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

21 (A) A public right of way;

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

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

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

1 chapter.

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

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

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

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

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

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

20 (b) 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)(f) 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 resources.

29 (c) Private parks, playgrounds, hunting and fishing preserves and
30 campgrounds. Subject to the approval of the county governing body or its
31 designee, a private campground may provide yurts for overnight camping.

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

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

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

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

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

27 (h) Personal-use airports for airplanes and helicopter pads, including as-
28 sociated hangar, maintenance and service facilities. A personal-use airport,
29 as used in this section, means an airstrip restricted, except for aircraft
30 emergencies, to use by the owner, and, on an infrequent and occasional basis,
31 by invited guests, and by commercial aviation activities in connection with

1 agricultural operations. No aircraft may be based on a personal-use airport
2 other than those owned or controlled by the owner of the airstrip. Ex-
3 ceptions to the activities permitted under this definition may be granted
4 through waiver action by the Oregon Department of Aviation in specific in-
5 stances. A personal-use airport lawfully existing as of September 13, 1975,
6 shall continue to be permitted subject to any applicable rules of the Oregon
7 Department of Aviation.

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

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

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

23 (L) One manufactured dwelling or recreational vehicle, or the temporary
24 residential use of an existing building, in conjunction with an existing
25 dwelling as a temporary use for the term of a hardship suffered by the ex-
26 isting resident or a relative of the resident. Within three months of the end
27 of the hardship, the manufactured dwelling or recreational vehicle shall be
28 removed or demolished or, in the case of an existing building, the building
29 shall be removed, demolished or returned to an allowed nonresidential use.
30 The governing body or its designee shall provide for periodic review of the
31 hardship claimed under this paragraph. A temporary residence approved un-

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

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

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

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

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

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

17 (q) Construction of additional passing and travel lanes requiring the ac-
18 quisition of right of way but not resulting in the creation of new land par-
19 cels.

20 (r) Reconstruction or modification of public roads and highways involving
21 the removal or displacement of buildings but not resulting in the creation
22 of new land parcels.

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

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

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

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

1 (w) Expansion of existing county fairgrounds and activities directly re-
2 lating to county fairgrounds governed by county fair boards established
3 pursuant to ORS 565.210.

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

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

17 (B) "Local historical society" means the local historical society recog-
18 nized by the county governing body and organized under ORS chapter 65.

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

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

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

30 **(bb) A commercial solar photovoltaic power generation facility for**
31 **the purpose of generating electricity for public use, as provided in**

1 **section 2 of this 2017 Act.**

2 (3) Roads, highways and other transportation facilities and improvements
3 not allowed under subsections (1) and (2) of this section may be established,
4 subject to the approval of the governing body or its designee, in areas zoned
5 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 Conservation
10 and Development Commission as provided in section 3, chapter 529, Oregon
11 Laws 1993.

12 (4) 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 activity
23 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;

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

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

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

5 (i) Planned hours of operation;

6 (ii) Access, egress and parking;

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

9 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

31 (G) Must comply with applicable health and fire and life safety require-

1 ments.

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

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

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

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

14 (D) Must comply with ORS 215.296;

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

18 (F) Must comply with conditions established for:

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

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

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

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

30 (v) Sanitation and solid waste.

31 (d) In addition to paragraphs (a) to (c) of this subsection, a county may

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

6 (A) Are incidental and subordinate to existing commercial farm use of the
7 tract and are necessary to support the commercial farm uses or the com-
8 mercial agricultural enterprises in the area;

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

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

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

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

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

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

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

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

31 (b) The county may issue the limited use permits authorized by subsection

1 (4)(c) of this section for two calendar years. When considering an application
2 for renewal, the county shall ensure compliance with the provisions of sub-
3 section (4)(c) of this section, any local standards that apply and conditions
4 that apply to the permit or to the agri-tourism or other commercial events
5 or activities authorized by the permit.

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

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

13 215.283. (1) The following uses may be established in any area zoned for
14 exclusive farm use:

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

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

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

22 (A) ORS 215.275; or

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

25 (d) A dwelling on real property used for farm use if the dwelling is oc-
26 cupied by a relative of the farm operator or the farm operator’s spouse,
27 which means a child, parent, stepparent, grandchild, grandparent,
28 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,
29 if the farm operator does or will require the assistance of the relative in the
30 management of the farm use and the dwelling is located on the same lot or
31 parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to

1 92.192 or the minimum lot or parcel size requirements under ORS 215.780, if
2 the owner of a dwelling described in this paragraph obtains construction fi-
3 nancing or other financing secured by the dwelling and the secured party
4 forecloses on the dwelling, the secured party may also foreclose on the
5 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as
6 a partition of the homesite to create a new parcel.

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

9 (f) Operations for the exploration for and production of geothermal re-
10 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,
11 including the placement and operation of compressors, separators and other
12 customary production equipment for an individual well adjacent to the
13 wellhead. 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 (g) Operations for the exploration for minerals as defined by ORS 517.750.
16 Any activities or construction relating to such operations shall not be a ba-
17 sis for an exception under ORS 197.732 (2)(a) or (b).

18 (h) Climbing and passing lanes within the right of way existing as of July
19 1, 1987.

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

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

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

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

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

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

6 (o) Farm stands if:

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

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

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

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

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

23 (C) Has interior wiring for interior lights;

24 (D) Has a heating system; and

25 (E) In the case of replacement:

26 (i) Is removed, demolished or converted to an allowable nonresidential use
27 within three months of the completion of the replacement dwelling. A re-
28 placement dwelling may be sited on any part of the same lot or parcel. A
29 dwelling established under this paragraph shall comply with all applicable
30 siting standards. However, the standards shall not be applied in a manner
31 that prohibits the siting of the dwelling. If the dwelling to be replaced is

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

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

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-
31 graph. An owner of property used for the purpose authorized in this

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

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

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

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

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

28 (A) A public right of way;

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

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

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

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

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

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

18 (B) The number of dogs participating in a testing trial does not exceed
19 60 and the number of testing trials to be conducted on-site is limited to four
20 or fewer trials per calendar year.

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

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

27 (b) Operations conducted for:

28 (A) Mining and processing of geothermal resources as defined by ORS
29 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted
30 under subsection (1)(f) of this section;

31 (B) Mining, crushing or stockpiling of aggregate and other mineral and

1 other subsurface resources subject to ORS 215.298;

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

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

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

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

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

30 (f) Golf courses on land determined not to be high-value farmland, as de-
31 fined in ORS 195.300.

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

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

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

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

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

30 (L) One manufactured dwelling or recreational vehicle, or the temporary
31 residential use of an existing building, in conjunction with an existing

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

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

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

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

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

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

24 (q) Construction of additional passing and travel lanes requiring the ac-
25 quisition of right of way but not resulting in the creation of new land par-
26 cels.

27 (r) Reconstruction or modification of public roads and highways involving
28 the removal or displacement of buildings but not resulting in the creation
29 of new land parcels.

30 (s) Improvement of public road and highway related facilities, such as
31 maintenance yards, weigh stations and rest areas, where additional property

1 or right of way is required but not resulting in the creation of new land
2 parcels.

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

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

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

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

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

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

24 (B) "Local historical society" means the local historical society recog-
25 nized by the county governing body and organized under ORS chapter 65.

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

30 (z) A landscape contracting business, as defined in ORS 671.520, or a
31 business providing landscape architecture services, as described in ORS

1 671.318, if the business is pursued in conjunction with the growing and
2 marketing of nursery stock on the land that constitutes farm use.

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

6 **(bb) A commercial solar photovoltaic power generation facility for**
7 **the purpose of generating electricity for public use, as provided in**
8 **section 2 of this 2017 Act.**

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

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

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

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

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

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

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

31 (C) The maximum attendance at the agri-tourism or other commercial

1 event or activity does not exceed 500 people;

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

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

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

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

12 (i) Planned hours of operation;

13 (ii) Access, egress and parking;

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

16 (iv) Sanitation and solid waste.

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

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

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

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

31 (D) May not include the artificial amplification of music or voices before

1 8 a.m. or after 8 p.m.;

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

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

7 (G) Must comply with applicable health and fire and life safety require-
8 ments.

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

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

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

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

21 (D) Must comply with ORS 215.296;

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

25 (F) Must comply with conditions established for:

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

30 (ii) The location of existing structures and the location of proposed tem-
31 porary structures to be used in connection with the agri-tourism or other

1 commercial events or activities;

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

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

6 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

30 (a) A county may authorize the use of temporary structures established
31 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 subsection
8 (4)(c) of this section for two calendar years. When considering an application
9 for renewal, the county shall ensure compliance with the provisions of sub-
10 section (4)(c) of this section, any local standards that apply and conditions
11 that apply to the permit or to the agri-tourism or other commercial events
12 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
