

House Bill 3050

Sponsored by COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits siting of 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 provisions; and amending
3 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 a part of ORS**
6 **chapter 215.**

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

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

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

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

13 (a) **Adopts an exception to a statewide land use planning goal relating to agricultural**
14 **lands under ORS 197.732; or**

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

18 **SECTION 3. (1) A commercial solar photovoltaic power generation facility must be sited**
19 **on high value farmland if an applicant for approval under ORS 215.402 to 215.438 demon-**
20 **strates under subsection (2) of this section that no alternative site is available on land not**
21 **determined to be high value farmland.**

22 (2) **To demonstrate that no alternative site is available on land not determined to be high**
23 **value farmland, an applicant must show that reasonable alternatives have been considered**
24 **and that the facility must be sited on high value farmland due to one or more of the following**
25 **factors:**

26 (a) **Technical and engineering feasibility.**

27 (b) **The proposed facility is locationally dependent. For the purposes of this paragraph, a**
28 **facility is locationally dependent if it must be located on high value farmland to meet unique**
29 **geographical needs that cannot be satisfied on other lands.**

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (d) Availability of existing rights of way.

2 (e) Public health and safety.

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

4 (3) Costs associated with any of the factors listed in subsection (2) of this section may
5 be considered, but cost may not be the only consideration in determining that an alternative
6 site is not available.

7 (4) The Land Conservation and Development Commission shall determine by rule how
8 land costs may be considered when evaluating the siting of facilities that are not substan-
9 tially similar.

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

11 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
12 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

19 (A) ORS 215.275; or

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

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

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

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

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

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

45 (i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an

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

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

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

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

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

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

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

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

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

25 (r) Farm stands if:

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

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

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

38 (t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as
 39 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor
 40 area or placed on a permanent foundation unless the building or facility preexisted the use approved
 41 under this paragraph. The site shall not include an aggregate surface or hard surface area unless
 42 the surface preexisted the use approved under this paragraph. An owner of property used for the
 43 purpose authorized in this paragraph may charge a person operating the use on the property rent
 44 for the property. An operator may charge users of the property a fee that does not exceed the
 45 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model

1 aircraft” means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
 2 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
 3 ground.

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

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

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

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

20 (A) A public right of way;

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

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

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

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

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

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

36 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
 37 the following uses may be established in any area zoned for exclusive farm use subject to ORS
 38 215.296:

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

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

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

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

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

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

10 (c) Commercial activities that are in conjunction with farm use, including the processing of farm
11 crops into biofuel not permitted under ORS 215.203 (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 522.005 and oil and gas
14 as defined by ORS 520.005, not otherwise permitted under subsection (1)(g) of this section;

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

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

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

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

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

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

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

43 (i) A facility for the primary processing of forest products, provided that such facility is found
44 to not seriously interfere with accepted farming practices and is compatible with farm uses de-
45 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is

1 renewable. These facilities are intended to be only portable or temporary in nature. The primary
 2 processing of a forest product, as used in this section, means the use of a portable chipper or stud
 3 mill or other similar methods of initial treatment of a forest product in order to enable its shipment
 4 to market. Forest products, as used in this section, means timber grown upon a parcel of land or
 5 contiguous land where the primary processing facility is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **(z) A commercial solar photovoltaic power generation facility for the purpose of gener-
 10 ating electricity for public use, as provided in section 2 of this 2017 Act.**

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

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

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

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

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

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

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

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

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

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

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

44 (6) The notice required in subsection (5) of this section shall specify that persons have 15 days
 45 following the date of postmark of the notice to file a written objection on the grounds only that the

1 dwelling or activities associated with it would force a significant change in or significantly increase
2 the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is re-
3 ceived, the governing body or its designee shall approve or disapprove the application. If an ob-
4 jection is received, the governing body shall set the matter for hearing in the manner prescribed in
5 ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required
6 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of
7 this section.

8 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
9 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 agri-tourism or other commercial events or activities;

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

4 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

42 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
43 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

5 (A) ORS 215.275; or

6 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
7 469.300.

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

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

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

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

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

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

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

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

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

1 (m) Minor betterment of existing public road and highway related facilities, such as maintenance
 2 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous
 3 public-owned property 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 existing dwelling has
 6 been listed in a county inventory as historic property as defined in ORS 358.480.

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

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

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

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

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

13 (C) Has interior wiring for interior lights;

14 (D) Has a heating system; and

15 (E) In the case of replacement:

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

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

38 (r) Farm stands if:

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

45 (B) The farm stand does not include structures designed for occupancy as a residence or for

1 activity other than the sale of farm crops or livestock and does not include structures for banquets,
2 public gatherings or public entertainment.

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

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

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

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

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

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

33 (A) A public right of way;

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

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

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

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

45 (A) The number of dogs participating in training does not exceed 10 dogs per training class and

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

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

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

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

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

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

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

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

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

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

25 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (z) **A commercial solar photovoltaic power generation facility for the purpose of gener-
23 ating electricity for public use, as provided in section 2 of this 2017 Act.**

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

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

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

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

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

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

45 (b) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a

1 geological hazard area, the dwelling complies with conditions imposed by local ordinances relating
 2 specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is
 3 applicable; and

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

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

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

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

21 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
 22 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

45 (a) A county may authorize a single agri-tourism or other commercial event or activity on a

1 tract in a calendar year by an authorization that is personal to the applicant and is not transferred
 2 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event
 3 or activity meets any local standards that apply and:

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

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

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

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

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

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

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

18 (i) Planned hours of operation;

19 (ii) Access, egress and parking;

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

22 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

- 1 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 2 (C) May not require that a new permanent structure be built, used or occupied in connection
3 with the agri-tourism or other commercial events or activities;
- 4 (D) Must comply with ORS 215.296;
- 5 (E) May not, in combination with other agri-tourism or other commercial events or activities
6 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 7 (F) Must comply with conditions established for:
- 8 (i) The types of agri-tourism or other commercial events or activities that are authorized during
9 each calendar year, including the number and duration of the agri-tourism or other commercial
10 events and activities, the anticipated daily attendance and the hours of operation;
- 11 (ii) The location of existing structures and the location of proposed temporary structures to be
12 used in connection with the agri-tourism or other commercial events or activities;
- 13 (iii) The location of access and egress and parking facilities to be used in connection with the
14 agri-tourism or other commercial events or activities;
- 15 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
16 public roads; and
- 17 (v) Sanitation and solid waste.
- 18 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
19 or other commercial events or activities that occur more frequently or for a longer period or that
20 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
21 commercial events or activities comply with any local standards that apply and the agri-tourism or
22 other commercial events or activities:
- 23 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
24 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
- 25 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
- 26 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
27 and
- 28 (D) Do not exceed 18 events or activities in a calendar year.
- 29 (12) A holder of a permit authorized by a county under subsection (11)(d) of this section must
30 request review of the permit at four-year intervals. Upon receipt of a request for review, the county
31 shall:
- 32 (a) Provide public notice and an opportunity for public comment as part of the review process;
33 and
- 34 (b) Limit its review to events and activities authorized by the permit, conformance with condi-
35 tions of approval required by the permit and the standards established by subsection (11)(d) of this
36 section.
- 37 (13) For the purposes of subsection (11) of this section:
- 38 (a) A county may authorize the use of temporary structures established in connection with the
39 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-
40 tion. However, the temporary structures must be removed at the end of the agri-tourism or other
41 event or activity. The county may not approve an alteration to the land in connection with an
42 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,
43 including, but not limited to, grading, filling or paving.
- 44 (b) The county may issue the limited use permits authorized by subsection (11)(c) of this section
45 for two calendar years. When considering an application for renewal, the county shall ensure com-

1 pliance with the provisions of subsection (11)(c) of this section, any local standards that apply and
2 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
3 authorized by the permit.

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

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

9 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

16 (A) ORS 215.275; or

17 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
18 469.300.

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

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

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

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

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

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

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

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

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

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

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

9 (o) Farm stands if:

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

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

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

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

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

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

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

45 (u) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-

1 cilities or structures that end at the point where the utility service is received by the customer and
 2 that are located on one or more of the following:

3 (A) A public right of way;

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

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

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

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

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

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

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

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

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

26 (b) Operations conducted for:

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

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

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

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

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

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

45 (e) Community centers owned by a governmental agency or a nonprofit community organization

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

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

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

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

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

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

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

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

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

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

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

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

44 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
 45 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 **(bb) A commercial solar photovoltaic power generation facility for the purpose of gener-**
 41 **ating electricity for public use, as provided in section 2 of this 2017 Act.**

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

45 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable

1 goal with which the facility or improvement does not comply; or

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

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

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

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

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

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

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

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

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

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

24 (i) Planned hours of operation;

25 (ii) Access, egress and parking;

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

28 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

10 (D) Must comply with ORS 215.296;

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

13 (F) Must comply with conditions established for:

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

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

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

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

23 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

44 (a) A county may authorize the use of temporary structures established in connection with the
 45 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.

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

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

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

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

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

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

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

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

23 (A) ORS 215.275; or

24 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
25 469.300.

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

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

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

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

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

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

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

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

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

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

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

16 (o) Farm stands if:

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

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

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

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

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

30 (C) Has interior wiring for interior lights;

31 (D) Has a heating system; and

32 (E) In the case of replacement:

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

1 and release statements filed under this paragraph; and

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

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

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

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

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

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

37 (A) A public right of way;

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

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

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

1 exclusive farm use zone under this chapter.

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

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

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

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

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

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

15 (b) Operations conducted for:

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

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

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

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

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

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

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

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

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

44 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
45 tenance and service facilities. A personal-use airport, as used in this section, means an airstrip re-

1 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional
2 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-
3 erations. No aircraft may be based on a personal-use airport other than those owned or controlled
4 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be
5 granted through waiver action by the Oregon Department of Aviation in specific instances. A
6 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
7 ject to any applicable rules of the Oregon 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 such facility is found
10 to not seriously interfere with accepted farming practices and is compatible with farm uses de-
11 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is
12 renewable. These facilities are intended to be only portable or temporary in nature. The primary
13 processing of a forest product, as used in this section, means the use of a portable chipper or stud
14 mill or other similar methods of initial treatment of a forest product in order to enable its shipment
15 to market. Forest products, as used in this section, means timber grown upon a parcel of land or
16 contiguous land where the primary processing facility is located.

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

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

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

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

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

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

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

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

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

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

1 the creation of new land parcels.

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

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

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

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

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

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

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

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

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

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

29 **(bb) A commercial solar photovoltaic power generation facility for the purpose of gener-
30 ating electricity for public use, as provided in section 2 of this 2017 Act.**

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

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

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

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

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

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

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

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

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

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

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

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

13 (i) Planned hours of operation;

14 (ii) Access, egress and parking;

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

17 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

44 (D) Must comply with ORS 215.296;

45 (E) May not, in combination with other agri-tourism or other commercial events or activities

1 authorized in the area, materially alter the stability of the land use pattern in the area; and

2 (F) Must comply with conditions established for:

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

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

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

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

12 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

44 (c) The authorizations provided by subsection (4) of this section are in addition to other au-
45 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-

1 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial
2 events and activities.

3
