

**A-Engrossed**  
**House Bill 3456**

Ordered by the House June 5  
Including House Amendments dated June 5

Sponsored by Representative SMITH G

**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.

Permits establishment of photovoltaic solar power generation facility on certain high-value farmland.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to photovoltaic solar power generation facilities; creating new provisions; amending ORS  
3 215.213 and 215.283; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 215.**

6 **SECTION 2. (1) As used in this section, "photovoltaic solar power generation facility"**  
7 **means an assembly of equipment and components that has the primary purpose of convert-**  
8 **ing sunlight into electricity by photovoltaic effect and has the capability of storing or**  
9 **transferring the electricity.**

10 **(2) A photovoltaic solar power generation facility may be established on land that is**  
11 **high-value farmland, as defined in ORS 195.300 (10)(f)(C), provided the land:**

12 **(a) Is not located within the boundaries of an irrigation district;**

13 **(b) Is not at the time of the facility's establishment, and was not at any time during the**  
14 **20 years immediately preceding the facility's establishment, the place of use of a water right**  
15 **permit, certificate, decree, transfer order or ground water registration authorizing the use**  
16 **of water for the purpose of irrigation;**

17 **(c) Is located within the service area of an electric utility described in ORS 469A.052 (2);**

18 **(d) Does not exceed the acreage the electric utility reasonably anticipates to be necessary**  
19 **to achieve the applicable renewable portfolio standard described in ORS 469A.052 (3); and**

20 **(e) Does not qualify as high-value farmland under any other provision of law.**

21 **(3) When evaluating an application to establish a photovoltaic solar power generation**  
22 **facility under this section, a county:**

23 **(a) Shall apply the criteria and standards applicable to agricultural land adopted under a**  
24 **statewide land use planning goal relating to agricultural lands; and**

25 **(b) May not apply the criteria and standards applicable to high-value farmland adopted**  
26 **under a statewide land use planning goal relating to agricultural lands.**

27 **(4) A county is not required to adopt an exception under ORS 197.732 to a statewide land**  
28 **use planning goal relating to agricultural land to authorize the establishment of a**

**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 **photovoltaic solar power generation facility under this section.**

2 **(5) A photovoltaic solar power generation facility established under this section is a**  
3 **commercial utility facility under ORS 215.213 (2) or 215.283 (2) if the facility generates power**  
4 **for public use by sale.**

5 **SECTION 3.** ORS 215.213 is amended to read:

6 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
7 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

14 (A) ORS 215.275; or

15 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
16 469.300.

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

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

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

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

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

40 (i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
41 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
42 hardship suffered by the existing resident or a relative of the resident. Within three months of the  
43 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-  
44 ished or, in the case of an existing building, the building shall be removed, demolished or returned  
45 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-

1 view of the hardship claimed under this paragraph. A temporary residence approved under this  
2 paragraph is not eligible for replacement under paragraph (q) of this subsection.

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

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

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

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

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

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

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

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

20 (r) Farm stands if:

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

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

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

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

44 (u) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS  
45 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm

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

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

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

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

15 (A) A public right of way;

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

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

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

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

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

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

31 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
32 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
33 215.296:

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

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

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

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

44 (A) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar  
45 years out of the three calendar years before the year in which the application for the dwelling was

1 made or is planted in perennials capable of producing upon harvest an average of at least \$20,000  
2 in annual gross farm income; or

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

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

7 (d) Operations conducted for:

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

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

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

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

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

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

28 (g) Commercial utility facilities for the purpose of generating power for public use by sale. **If**  
29 **the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power**  
30 **generation facility may be established as a commercial utility facility as provided in section**  
31 **2 of this 2017 Act.**

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

41 (i) A facility for the primary processing of forest products, provided that such facility is found  
42 to not seriously interfere with accepted farming practices and is compatible with farm uses de-  
43 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is  
44 renewable. These facilities are intended to be only portable or temporary in nature. The primary  
45 processing of a forest product, as used in this section, means the use of a portable chipper or stud

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (w) An aerial fireworks display business that has been in continuous operation at its current  
45 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's

1 permit to sell or provide fireworks.

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (6) The notice required in subsection (5) of this section shall specify that persons have 15 days  
41 following the date of postmark of the notice to file a written objection on the grounds only that the  
42 dwelling or activities associated with it would force a significant change in or significantly increase  
43 the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is re-  
44 ceived, the governing body or its designee shall approve or disapprove the application. If an ob-  
45 jection is received, the governing body shall set the matter for hearing in the manner prescribed in

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



- 1 (i) Planned hours of operation;
- 2 (ii) Access, egress and parking;
- 3 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-
- 4 ipated use of public roads; and
- 5 (iv) Sanitation and solid waste.
- 6 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
- 7 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
- 8 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
- 9 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
- 10 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
- 11 To approve an expedited, single-event license, the governing body of a county or its designee must
- 12 determine that the proposed agri-tourism or other commercial event or activity meets any local
- 13 standards that apply, and the agri-tourism or other commercial event or activity:
- 14 (A) Must be incidental and subordinate to existing farm use on the tract;
- 15 (B) May not begin before 6 a.m. or end after 10 p.m.;
- 16 (C) May not involve more than 100 attendees or 50 vehicles;
- 17 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 18 (E) May not require or involve the construction or use of a new permanent structure in con-
- 19 nection with the agri-tourism or other commercial event or activity;
- 20 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
- 21 properties consent, in writing, to the location; and
- 22 (G) Must comply with applicable health and fire and life safety requirements.
- 23 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
- 24 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
- 25 use permit that is personal to the applicant and is not transferred by, or transferable with, a
- 26 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
- 27 local standards that apply, and the agri-tourism or other commercial events or activities:
- 28 (A) Must be incidental and subordinate to existing farm use on the tract;
- 29 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 30 (C) May not require that a new permanent structure be built, used or occupied in connection
- 31 with the agri-tourism or other commercial events or activities;
- 32 (D) Must comply with ORS 215.296;
- 33 (E) May not, in combination with other agri-tourism or other commercial events or activities
- 34 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 35 (F) Must comply with conditions established for:
- 36 (i) The types of agri-tourism or other commercial events or activities that are authorized during
- 37 each calendar year, including the number and duration of the agri-tourism or other commercial
- 38 events and activities, the anticipated daily attendance and the hours of operation;
- 39 (ii) The location of existing structures and the location of proposed temporary structures to be
- 40 used in connection with the agri-tourism or other commercial events or activities;
- 41 (iii) The location of access and egress and parking facilities to be used in connection with the
- 42 agri-tourism or other commercial events or activities;
- 43 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
- 44 public roads; and
- 45 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

36 **SECTION 4.** ORS 215.213, as amended by section 7, chapter 462, Oregon Laws 2013, is amended  
37 to read:

38 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
39 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

1 (A) ORS 215.275; or

2 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
3 469.300.

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

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

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

19 (g) Operations for the exploration for and production of geothermal resources as defined by ORS  
20 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
21 compressors, separators and other customary production equipment for an individual well adjacent  
22 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
23 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

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

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

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

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

9 (C) Has interior wiring for interior lights;

10 (D) Has a heating system; and

11 (E) In the case of replacement:

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

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

34 (r) Farm stands if:

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

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

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

1 Guard support facility.

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

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

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

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

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

29 (A) A public right of way;

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

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

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

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

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

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

45 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),

1 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
2 215.296:

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

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

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

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

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

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

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

21 (d) Operations conducted for:

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

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

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

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

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

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

42 (g) Commercial utility facilities for the purpose of generating power for public use by sale. **If**  
43 **the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power**  
44 **generation facility may be established as a commercial utility facility as provided in section**  
45 **2 of this 2017 Act.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (u) A living history museum related to resource based activities owned and operated by a gov-

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

18 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,  
19 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (i) Planned hours of operation;

16 (ii) Access, egress and parking;

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

19 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

1 (D) Must comply with ORS 215.296;

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

4 (F) Must comply with conditions established for:

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

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

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

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

14 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

5 **SECTION 5.** ORS 215.283 is amended to read:

6 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

13 (A) ORS 215.275; or

14 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
15 469.300.

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

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

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

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

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

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

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

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

1 ways.

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

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

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

6 (o) Farm stands if:

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

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

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

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

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

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

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

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

45 (A) A public right of way;

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

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

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

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

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

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

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

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

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

23 (b) Operations conducted for:

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

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

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

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

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

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

42 (e) Community centers owned by a governmental agency or a nonprofit community organization  
43 and operated primarily by and for residents of the local rural community. A community center au-  
44 thorized under this paragraph may provide services to veterans, including but not limited to emer-  
45 gency and transitional shelter, preparation and service of meals, vocational and educational

1 counseling and referral to local, state or federal agencies providing medical, mental health, disability  
 2 income replacement and substance abuse services, only in a facility that is in existence on January  
 3 1, 2006. The services may not include direct delivery of medical, mental health, disability income  
 4 replacement or substance abuse services.

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

6 (g) Commercial utility facilities for the purpose of generating power for public use by sale. **If**  
 7 **the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power**  
 8 **generation facility may be established as a commercial utility facility as provided in section**  
 9 **2 of this 2017 Act.**

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

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

45 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development



1 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

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

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

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

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

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

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

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

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

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

22 (i) Planned hours of operation;

23 (ii) Access, egress and parking;

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

26 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

44 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to  
45 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited

1 use permit that is personal to the applicant and is not transferred by, or transferable with, a  
2 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any  
3 local standards that apply, and the agri-tourism or other commercial events or activities:

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

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

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

8 (D) Must comply with ORS 215.296;

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

11 (F) Must comply with conditions established for:

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

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

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

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

21 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

42 (a) A county may authorize the use of temporary structures established in connection with the  
43 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.  
44 However, the temporary structures must be removed at the end of the agri-tourism or other event  
45 or activity. The county may not approve an alteration to the land in connection with an agri-tourism

1 or other commercial event or activity authorized under subsection (4) of this section, including, but  
2 not limited to, grading, filling or paving.

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

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

12 **SECTION 6.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, is amended  
13 to read:

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

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

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

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

21 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (o) Farm stands if:

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

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

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

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

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

28 (C) Has interior wiring for interior lights;

29 (D) Has a heating system; and

30 (E) In the case of replacement:

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

45 (ii) For which the applicant has requested a deferred replacement permit, is removed or demol-

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

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

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

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

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

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

35 (A) A public right of way;

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

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

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

45 (w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to

1 provide rural law enforcement services primarily in rural areas, including parole and post-prison  
2 supervision, but not including a correctional facility as defined under ORS 162.135.

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

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

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

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

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

13 (b) Operations conducted for:

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

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

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

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

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

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

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. A community center au-  
34 thorized under this paragraph may provide services to veterans, including but not limited to emer-  
35 gency and transitional shelter, preparation and service of meals, vocational and educational  
36 counseling and referral to local, state or federal agencies providing medical, mental health, disability  
37 income replacement and substance abuse services, only in a facility that is in existence on January  
38 1, 2006. The services may not include direct delivery of medical, mental health, disability income  
39 replacement or substance abuse services.

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

41 (g) Commercial utility facilities for the purpose of generating power for public use by sale. **If**  
42 **the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power**  
43 **generation facility may be established as a commercial utility facility as provided in section**  
44 **2 of this 2017 Act.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 consecutive hours;

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

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

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

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

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

12 (i) Planned hours of operation;

13 (ii) Access, egress and parking;

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

16 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

43 (D) Must comply with ORS 215.296;

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

1 (F) Must comply with conditions established for:

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

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

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

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

11 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

1 events and activities.

2 **SECTION 7. This 2017 Act being necessary for the immediate preservation of the public**  
3 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
4 **on its passage.**

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