

House Bill 3456

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 **as introduced**.

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; and**

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

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

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

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

24 **(4) A county is not required to adopt an exception under ORS 197.732 to a statewide land**
25 **use planning goal relating to agricultural land to authorize the establishment of a**
26 **photovoltaic solar power generation facility under this section.**

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

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

31 **215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991**

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 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

8 (A) ORS 215.275; or

9 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
 10 469.300.

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

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

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

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

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

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

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

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

1 would occur, or no new land parcels result.

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

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

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

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

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

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

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

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

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

1 of the processing facility or establishment.

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

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

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

9 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (d) Operations conducted for:

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

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

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

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

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

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

22 (g) Commercial utility facilities for the purpose of generating power for public use by sale. **If**
23 **the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power**
24 **generation facility may be established as a commercial utility facility as provided in section**
25 **2 of this 2017 Act.**

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

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

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

- 1 (k)(A) Commercial dog boarding kennels; or
 2 (B) Dog training classes or testing trials that cannot be established under subsection (1)(z) of
 3 this section.
- 4 (L) Residential homes as defined in ORS 197.660, in existing dwellings.
- 5 (m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
 6 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
 7 shall not include any species under quarantine by the State Department of Agriculture or the United
 8 States Department of Agriculture. The county shall provide notice of all applications under this
 9 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the
 10 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
 11 tive decision or initial public hearing on the application.
- 12 (n) Home occupations as provided in ORS 215.448.
- 13 (o) Transmission towers over 200 feet in height.
- 14 (p) Construction of additional passing and travel lanes requiring the acquisition of right of way
 15 but not resulting in the creation of new land parcels.
- 16 (q) Reconstruction or modification of public roads and highways involving the removal or dis-
 17 placement of buildings but not resulting in the creation of new land parcels.
- 18 (r) Improvement of public road and highway related facilities such as maintenance yards, weigh
 19 stations and rest areas, where additional property or right of way is required but not resulting in
 20 the creation of new land parcels.
- 21 (s) A destination resort that is approved consistent with the requirements of any statewide
 22 planning goal relating to the siting of a destination resort.
- 23 (t) Room and board arrangements for a maximum of five unrelated persons in existing resi-
 24 dences.
- 25 (u) A living history museum related to resource based activities owned and operated by a gov-
 26 ernmental agency or a local historical society, together with limited commercial activities and fa-
 27 cilities that are directly related to the use and enjoyment of the museum and located within
 28 authentic buildings of the depicted historic period or the museum administration building, if areas
 29 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
 30 the museum administration buildings and parking lot are located within one quarter mile of the
 31 metropolitan urban growth boundary. As used in this paragraph:
- 32 (A) "Living history museum" means a facility designed to depict and interpret everyday life and
 33 culture of some specific historic period using authentic buildings, tools, equipment and people to
 34 simulate past activities and events; and
- 35 (B) "Local historical society" means the local historical society, recognized as such by the
 36 county governing body and organized under ORS chapter 65.
- 37 (v) Operations for the extraction and bottling of water.
- 38 (w) An aerial fireworks display business that has been in continuous operation at its current
 39 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's
 40 permit to sell or provide fireworks.
- 41 (x) A landscape contracting business, as defined in ORS 671.520, or a business providing land-
 42 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction
 43 with the growing and marketing of nursery stock on the land that constitutes farm use.
- 44 (y) Public or private schools for kindergarten through grade 12, including all buildings essential
 45 to the operation of a school, primarily for residents of the rural area in which the school is located.

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

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

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

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

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

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

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

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

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

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

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

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

43 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
 44 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (i) Planned hours of operation;

41 (ii) Access, egress and parking;

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

44 (iv) Sanitation and solid waste.

45 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,

1 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
 2 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
 3 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
 4 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
 5 To approve an expedited, single-event license, the governing body of a county or its designee must
 6 determine that the proposed agri-tourism or other commercial event or activity meets any local
 7 standards that apply, and the agri-tourism or other commercial event or activity:

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

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

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

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

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

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

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

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

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

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

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

26 (D) Must comply with ORS 215.296;

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

29 (F) Must comply with conditions established for:

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

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

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

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

39 (v) Sanitation and solid waste.

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

45 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-

1 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;

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

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

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

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

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

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

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

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

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

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

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

32 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
33 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

40 (A) ORS 215.275; or

41 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
42 469.300.

43 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
44 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
45 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm

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

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

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

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

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

21 (i) 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 paragraph (q) of this subsection.

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

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

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

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

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

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

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

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

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

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

3 (C) Has interior wiring for interior lights;

4 (D) Has a heating system; and

5 (E) In the case of replacement:

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

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

28 (r) Farm stands if:

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

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

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

41 (t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as
 42 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor
 43 area or placed on a permanent foundation unless the building or facility preexisted the use approved
 44 under this paragraph. The site shall not include an aggregate surface or hard surface area unless
 45 the surface preexisted the use approved under this paragraph. An owner of property used for the

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

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

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

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

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

23 (A) A public right of way;

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

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

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

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

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

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

39 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
 40 the following uses may be established in any area zoned for exclusive farm use subject to ORS
 41 215.296:

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

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

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

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

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

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

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

15 (d) Operations conducted for:

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

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

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

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

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

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

36 (g) Commercial utility facilities for the purpose of generating power for public use by sale. **If**
 37 **the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power**
 38 **generation facility may be established as a commercial utility facility as provided in section**
 39 **2 of this 2017 Act.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (i) Planned hours of operation;

10 (ii) Access, egress and parking;

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

13 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

40 (D) Must comply with ORS 215.296;

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

43 (F) Must comply with conditions established for:

44 (i) The types of agri-tourism or other commercial events or activities that are authorized during
 45 each calendar year, including the number and duration of the agri-tourism or other commercial

1 events and activities, the anticipated daily attendance and the hours of operation;

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

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

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

8 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

45 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

- 1 (a) Churches and cemeteries in conjunction with churches.
- 2 (b) The propagation or harvesting of a forest product.
- 3 (c) Utility facilities necessary for public service, including wetland waste treatment systems but
 4 not including commercial facilities for the purpose of generating electrical power for public use by
 5 sale or transmission towers over 200 feet in height. A utility facility necessary for public service
 6 may be established as provided in:
- 7 (A) ORS 215.275; or
- 8 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
 9 469.300.
- 10 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
 11 farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,
 12 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
 13 operator does or will require the assistance of the relative in the management of the farm use and
 14 the dwelling is located on the same lot or parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS
 15 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
 16 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
 17 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
 18 shall operate as a partition of the homesite to create a new parcel.
- 19 (e) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily
 20 provided in conjunction with farm use.
- 21 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
 22 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
 23 compressors, separators and other customary production equipment for an individual well adjacent
 24 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
 25 an exception under ORS 197.732 (2)(a) or (b).
- 26 (g) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or
 27 construction relating to such operations shall not be a basis for an exception under ORS 197.732
 28 (2)(a) or (b).
- 29 (h) Climbing and passing lanes within the right of way existing as of July 1, 1987.
- 30 (i) Reconstruction or modification of public roads and highways, including the placement of
 31 utility facilities overhead and in the subsurface of public roads and highways along the public right
 32 of way, but not including the addition of travel lanes, where no removal or displacement of buildings
 33 would occur, or no new land parcels result.
- 34 (j) Temporary public road and highway detours that will be abandoned and restored to original
 35 condition or use at such time as no longer needed.
- 36 (k) Minor betterment of existing public road and highway related facilities such as maintenance
 37 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous
 38 public-owned property utilized to support the operation and maintenance of public roads and high-
 39 ways.
- 40 (L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has
 41 been listed in a county inventory as historic property as defined in ORS 358.480.
- 42 (m) Creation, restoration or enhancement of wetlands.
- 43 (n) A winery, as described in ORS 215.452 or 215.453.
- 44 (o) Farm stands if:
- 45

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

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

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

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

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

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

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

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

39 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

17 (b) Operations conducted for:

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

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

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

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

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

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

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

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

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

1 **the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power**
2 **generation facility may be established as a commercial utility facility as provided in section**
3 **2 of this 2017 Act.**

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

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

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

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

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

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

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

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

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

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

45 (q) Construction of additional passing and travel lanes requiring the acquisition of right of way

1 but not resulting in the creation of new land parcels.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 or activity meets any local standards that apply and:

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

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

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

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

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

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

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

16 (i) Planned hours of operation;

17 (ii) Access, egress and parking;

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

20 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

45 (C) May not require that a new permanent structure be built, used or occupied in connection

1 with the agri-tourism or other commercial events or activities;

2 (D) Must comply with ORS 215.296;

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

5 (F) Must comply with conditions established for:

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

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

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

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

15 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

1 authorized by the permit.

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

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

8 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

15 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

45 (k) Minor betterment of existing public road and highway related facilities such as maintenance

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

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

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

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

8 (o) Farm stands if:

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

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

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

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

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

22 (C) Has interior wiring for interior lights;

23 (D) Has a heating system; and

24 (E) In the case of replacement:

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

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

1 or otherwise, except by the applicant to the spouse or a child of the applicant.

2 (q) 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 (r) 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 (s) Fire service facilities providing rural fire protection services.

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

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

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

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

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

5 (a) 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)(r) of this section.

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

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

26 (e) Community centers owned by a governmental agency or a nonprofit community organization
27 and operated primarily by and for residents of the local rural community. A community center au-
28 thorized under this paragraph may provide services to veterans, including but not limited to emer-
29 gency and transitional shelter, preparation and service of meals, vocational and educational
30 counseling and referral to local, state or federal agencies providing medical, mental health, disability
31 income replacement and substance abuse services, only in a facility that is in existence on January
32 1, 2006. The services may not include direct delivery of medical, mental health, disability income
33 replacement or substance abuse services.

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

35 (g) Commercial utility facilities for the purpose of generating power for public use by sale. **If**
36 **the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power**
37 **generation facility may be established as a commercial utility facility as provided in section**
38 **2 of this 2017 Act.**

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

1 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
 2 ject to any applicable rules of the Oregon Department of Aviation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (i) Planned hours of operation;

7 (ii) Access, egress and parking;

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

10 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

37 (D) Must comply with ORS 215.296;

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

40 (F) Must comply with conditions established for:

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

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

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

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

5 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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