

# Senate Bill 185

Sponsored by Senator COURTNEY (at the request of former Senator Alan Bates) (Pre-session filed.)

## 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**.

Identifies siting of telecommunications towers and associated equipment as outright permitted use without additional approval criteria on land zoned for exclusive farm use. Makes nonsubstantive technical changes.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to permitted uses in areas zoned for exclusive farm use; amending ORS 215.213, 215.275 and  
3 215.283; and declaring an emergency.

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

5 **SECTION 1.** ORS 215.213 is amended to read:

6 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
7 Edition), the following uses [*may be established*] **are permitted outright** in any area zoned for ex-  
8 clusive 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 **telecommunications towers and associated equipment or** commercial facilities for  
13 the purpose of generating electrical power for public use by sale or transmission towers over 200  
14 feet in height. A utility facility necessary for public service 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) Nonresidential buildings customarily provided in conjunction with farm use.

29 (f) Subject to ORS 215.279, primary or accessory dwellings customarily provided in conjunction  
30 with farm use. For a primary dwelling, the dwelling must be on a lot or parcel that is managed as

**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 part of a farm operation and is not smaller than the minimum lot size in a farm zone with a minimum  
2 lot size acknowledged under ORS 197.251.

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

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

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

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

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

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

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

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

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

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

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

36 (r) Farm stands if:

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

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

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

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

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

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

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

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

31 (A) A public right of way;

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

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

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

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

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

45 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of

1 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

2 **(aa) Telecommunications towers and associated equipment.**

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

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

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

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

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

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

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

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

24 (d) Operations conducted for:

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (c) [*Complies*] **Compliance** with such other conditions as the governing body or its designee  
 35 considers necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (i) Planned hours of operation;

16 (ii) Access, egress and parking;

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

19 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

1 (D) Must comply with ORS 215.296;

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

4 (F) Must comply with conditions established for:

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

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

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

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

14 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

5 **SECTION 2.** ORS 215.213, as amended by section 7, chapter 462, Oregon Laws 2013, is amended  
6 to read:

7 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
8 Edition), the following uses [*may be established*] **are permitted outright** in any area zoned for ex-  
9 clusive farm use:

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

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

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

16 (A) ORS 215.275; or

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

19 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the  
20 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,  
21 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
22 operator does or will require the assistance of the relative in the management of the farm use and  
23 the dwelling is located on the same lot or parcel as the dwelling of the farm operator. 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) Nonresidential buildings customarily provided in conjunction with farm use.

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

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

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

41 (i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
42 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
43 hardship suffered by the existing resident or a relative of the resident. Within three months of the  
44 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-  
45

1 ished or, in the case of an existing building, the building shall be removed, demolished or returned  
2 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-  
3 view of the hardship claimed under this paragraph. A temporary residence approved under this  
4 paragraph is not eligible for replacement under paragraph (q) of this subsection.

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

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

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

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

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

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

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

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

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

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

24 (C) Has interior wiring for interior lights;

25 (D) Has a heating system; and

26 (E) In the case of replacement:

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

41 (ii) For which the applicant has requested a deferred replacement permit, is removed or demol-  
42 ished within three months after the deferred replacement permit is issued. A deferred replacement  
43 permit allows construction of the replacement dwelling at any time. If, however, the established  
44 dwelling is not removed or demolished within three months after the deferred replacement permit  
45 is issued, the permit becomes void. The replacement dwelling must comply with applicable building

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

4 (r) Farm stands if:

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

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

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

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

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

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

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

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

44 (A) A public right of way;

45 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-

1 jacent property owners has been obtained; or

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

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

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

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

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

15 **(aa) Telecommunications towers and associated equipment.**

16 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
 17 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
 18 215.296:

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

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

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

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

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

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

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

37 (d) Operations conducted for:

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

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

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

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

44 (e) Community centers owned by a governmental agency or a nonprofit community organization  
 45 and operated primarily by and for residents of the local rural community, hunting and fishing pre-

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

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

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

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

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

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

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

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

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

38 (m) 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 (n) Home occupations as provided in ORS 215.448.

- 1 (o) Transmission towers over 200 feet in height.
- 2 (p) Construction of additional passing and travel lanes requiring the acquisition of right of way  
3 but not resulting in the creation of new land parcels.
- 4 (q) Reconstruction or modification of public roads and highways involving the removal or dis-  
5 placement of buildings but not resulting in the creation of new land parcels.
- 6 (r) Improvement of public road and highway related facilities such as maintenance yards, weigh  
7 stations and rest areas, where additional property or right of way is required but not resulting in  
8 the creation of new land parcels.
- 9 (s) A destination resort that is approved consistent with the requirements of any statewide  
10 planning goal relating to the siting of a destination resort.
- 11 (t) Room and board arrangements for a maximum of five unrelated persons in existing resi-  
12 dences.
- 13 (u) A living history museum related to resource based activities owned and operated by a gov-  
14 ernmental agency or a local historical society, together with limited commercial activities and fa-  
15 cilities that are directly related to the use and enjoyment of the museum and located within  
16 authentic buildings of the depicted historic period or the museum administration building, if areas  
17 other than an exclusive farm use zone cannot accommodate the museum and related activities or if  
18 the museum administration buildings and parking lot are located within one quarter mile of the  
19 metropolitan urban growth boundary. As used in this paragraph:
- 20 (A) "Living history museum" means a facility designed to depict and interpret everyday life and  
21 culture of some specific historic period using authentic buildings, tools, equipment and people to  
22 simulate past activities and events; and
- 23 (B) "Local historical society" means the local historical society, recognized as such by the  
24 county governing body and organized under ORS chapter 65.
- 25 (v) Operations for the extraction and bottling of water.
- 26 (w) 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 (x) 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 (y) 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) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
35 a single-family residential dwelling not provided in conjunction with farm use may be established  
36 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by  
37 the Agricultural Capability Classification System in use by the United States Department of Agri-  
38 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval  
39 of the governing body or its designee in any area zoned for exclusive farm use upon written findings  
40 showing all of the following:
- 41 (a) The dwelling or activities associated with the dwelling will not force a significant change in  
42 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.
- 43 (b) The dwelling is situated upon generally unsuitable land for the production of farm crops and  
44 livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location  
45 and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size

1 or location if it can reasonably be put to farm use in conjunction with other land.

2 (c) [*Complies*] **Compliance** with such other conditions as the governing body or its designee  
3 considers necessary.

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

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) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a  
11 geological hazard area, the dwelling complies with conditions imposed by local ordinances relating  
12 specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is  
13 applicable; and

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

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

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

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

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

31 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,  
32 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (i) Planned hours of operation;

29 (ii) Access, egress and parking;

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

32 (iv) Sanitation and solid waste.

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

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

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

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

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

45 (E) May not require or involve the construction or use of a new permanent structure in con-

1 nection with the agri-tourism or other commercial event or activity;

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

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

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

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

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

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

14 (D) Must comply with ORS 215.296;

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

17 (F) Must comply with conditions established for:

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

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

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

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

27 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

1 section.

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

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

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

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

18 **SECTION 3.** ORS 215.283 is amended to read:

19 215.283. (1) The following uses [*may be established*] **are permitted outright** in any area zoned  
20 for exclusive farm use:

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

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

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

27 (A) ORS 215.275; or

28 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
29 469.300.

30 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the  
31 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,  
32 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
33 operator does or will require the assistance of the relative in the management of the farm use and  
34 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
35 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
36 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or  
37 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
38 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
39 shall operate as a partition of the homesite to create a new parcel.

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

42 (f) Operations for the exploration for and production of geothermal resources as defined by ORS  
43 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
44 compressors, separators and other customary production equipment for an individual well adjacent  
45 to the wellhead. Any activities or construction relating to such operations shall not be a basis for

1 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

20 (o) Farm stands if:

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

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

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

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

43 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS  
44 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm  
45 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry

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

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

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

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

14 (A) A public right of way;

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

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

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

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

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

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

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

33 **(y) Telecommunications towers and associated equipment.**

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

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

38 (b) Operations conducted for:

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

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

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

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

45 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the

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

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

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

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

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

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

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

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

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

43 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
44 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
45 hardship suffered by the existing resident or a relative of the resident. Within three months of the

1 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-  
2 ished or, in the case of an existing building, the building shall be removed, demolished or returned  
3 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-  
4 view of the hardship claimed under this paragraph. A temporary residence approved under this  
5 paragraph is not eligible for replacement under subsection (1)(p) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 permit to sell or provide fireworks.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (i) Planned hours of operation;

35 (ii) Access, egress and parking;

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

38 (iv) Sanitation and solid waste.

39 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
40 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-  
41 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-  
42 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision  
43 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.  
44 To approve an expedited, single-event license, the governing body of a county or its designee must  
45 determine that the proposed agri-tourism or other commercial event or activity meets any local

1 standards that apply, and the agri-tourism or other commercial event or activity:

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

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

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

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

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

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

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

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

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

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

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

20 (D) Must comply with ORS 215.296;

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

23 (F) Must comply with conditions established for:

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

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

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

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

33 (v) Sanitation and solid waste.

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

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

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

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

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

45 (5) A holder of a permit authorized by a county under subsection (4)(d) of this section must re-

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

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

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

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

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

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

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

24 **SECTION 4.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, is amended  
25 to read:

26 215.283. (1) The following uses [*may be established*] **are permitted outright** in any area zoned  
27 for exclusive farm use:

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

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

30 (c) Utility facilities necessary for public service, including wetland waste treatment systems but  
31 not including **telecommunications towers and associated equipment** or commercial facilities for  
32 the purpose of generating electrical power for public use by sale or transmission towers over 200  
33 feet in height. A utility facility necessary for public service may be established as provided in:

34 (A) ORS 215.275; or

35 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
36 469.300.

37 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the  
38 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,  
39 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
40 operator does or will require the assistance of the relative in the management of the farm use and  
41 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
42 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
43 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or  
44 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
45 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure

1 shall operate as a partition of the homesite to create a new parcel.

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

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

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

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

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

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

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

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

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

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

27 (o) Farm stands if:

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

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

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

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

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

41 (C) Has interior wiring for interior lights;

42 (D) Has a heating system; and

43 (E) In the case of replacement:

44 (i) Is removed, demolished or converted to an allowable nonresidential use within three months  
45 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of

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

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

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

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

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

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

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

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

3 (A) A public right of way;

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

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

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

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

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

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

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

22 **(y) Telecommunications towers and associated equipment.**

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

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

27 (b) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (i) Planned hours of operation;

24 (ii) Access, egress and parking;

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

27 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (D) Must comply with ORS 215.296;

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

12 (F) Must comply with conditions established for:

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

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

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

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

22 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

43 (a) A county may authorize the use of temporary structures established in connection with the  
 44 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.  
 45 However, the temporary structures must be removed at the end of the agri-tourism or other event

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

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

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

13 **SECTION 5.** ORS 215.275 is amended to read:

14 215.275. (1) A utility facility established under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) is nec-  
15 essary for public service if the facility must be sited in an exclusive farm use zone in order to pro-  
16 vide the service.

17 (2) To demonstrate that a utility facility is necessary, an applicant for approval under ORS  
18 215.213 (1)(c)(A) or 215.283 (1)(c)(A) must show that reasonable alternatives have been considered  
19 and that the facility must be sited in an exclusive farm use zone due to one or more of the following  
20 factors:

21 (a) Technical and engineering feasibility[;].

22 (b) The proposed facility is locationally dependent. A utility facility is locationally dependent if  
23 it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reason-  
24 ably direct route or to meet unique geographical needs that cannot be satisfied on other lands[;].

25 (c) Lack of available urban and nonresource lands[;].

26 (d) Availability of existing rights of way[;].

27 (e) Public health and safety[; *and*].

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

29 (3) Costs associated with any of the factors listed in subsection (2) of this section may be con-  
30 sidered, but cost alone may not be the only consideration in determining that a utility facility is  
31 necessary for public service. Land costs shall not be included when considering alternative locations  
32 for substantially similar utility facilities. The Land Conservation and Development Commission shall  
33 determine by rule how land costs may be considered when evaluating the siting of utility facilities  
34 that are not substantially similar.

35 (4) The owner of a utility facility approved under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) shall  
36 be responsible for restoring, as nearly as possible, to its former condition any agricultural land and  
37 associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair  
38 or reconstruction of the facility. Nothing in this section shall prevent the owner of the utility fa-  
39 cility from requiring a bond or other security from a contractor or otherwise imposing on a con-  
40 tractor the responsibility for restoration.

41 (5) The governing body of the county or its designee shall impose clear and objective conditions  
42 on an application for utility facility siting under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) to mitigate  
43 and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use  
44 in order to prevent a significant change in accepted farm practices or a significant increase in the  
45 cost of farm practices on the surrounding farmlands.

1           (6) The provisions of subsections (2) to (5) of this section do not apply to interstate natural gas  
2 pipelines and associated facilities authorized by and subject to regulation by the Federal Energy  
3 Regulatory Commission.

4           **(7) The provisions of this section do not apply to telecommunications towers or associ-**  
5 **ated equipment.**

6           **SECTION 6. This 2017 Act being necessary for the immediate preservation of the public**  
7 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
8 **on its passage.**

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