

A-Engrossed Senate Bill 677

Ordered by the Senate March 24
Including Senate Amendments dated March 24

Sponsored by Senators OLSEN, THOMSEN

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.

Establishes standards for establishment of cider businesses on land zoned for exclusive farm use or on land zoned for mixed farm and forest use.

A BILL FOR AN ACT

1
2 Relating to establishment of cider businesses; creating new provisions; and amending ORS 215.213
3 and 215.283.

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

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

6 **SECTION 2. (1) As used in this section:**

7 (a) **"Agri-tourism or other commercial events" includes outdoor concerts for which ad-**
8 **mission is charged, educational, cultural, health or lifestyle events, facility rentals,**
9 **celebratory gatherings and other events at which the promotion of cider produced in con-**
10 **junction with the cider business is a secondary purpose of the event.**

11 (b)(A) **"Cider" means an alcoholic beverage made from the fermentation of the juice of**
12 **apples or pears.**

13 (B) **"Cider" includes but is not limited to flavored cider, sparkling cider and carbonated**
14 **cider.**

15 (c) **"Cider business" means a facility used primarily for the commercial production,**
16 **shipping and distribution, wholesale or retail sales, tasting, crushing, making, blending,**
17 **storage, bottling, administrative functions or warehousing of cider.**

18 (d) **"Cidermaker" means a person who makes cider.**

19 (e) **"On-site retail sale" includes the retail sale of cider in person at the cider business**
20 **site, through a cider club or over the Internet or telephone.**

21 (f) **"Orchard" means a piece of land planted with apple or pear trees.**

22 (2) **A cider business may be established as a permitted use on land zoned for exclusive**
23 **farm use under ORS 215.213 (1)(aa) and 215.283 (1)(y) or on land zoned for mixed farm and**
24 **forest use if the cider business produces:**

25 (a) **Less than 100,000 gallons of cider annually and the cider business:**

26 (A) **Owns an on-site orchard of at least 15 acres;**

27 (B) **Owns a contiguous orchard of at least 15 acres;**

28 (C) **Has a long-term contract for the purchase of all of the apples or pears from at least**

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 15 acres of an orchard contiguous to the cider business; or

2 (D) Obtains apples or pears from any combination of subparagraph (A), (B) or (C) of this
3 paragraph; or

4 (b) At least 100,000 gallons of cider annually and the cider business:

5 (A) Owns an on-site orchard of at least 40 acres;

6 (B) Owns a contiguous orchard of at least 40 acres;

7 (C) Has a long-term contract for the purchase of all of the apples or pears from at least
8 40 acres of an orchard contiguous to the cider business;

9 (D) Owns an on-site orchard of at least 15 acres on a tract of at least 40 acres and owns
10 at least 40 additional acres of orchards in Oregon that are located within 15 miles of the cider
11 business site; or

12 (E) Obtains apples or pears from any combination of subparagraph (A), (B), (C) or (D)
13 of this paragraph.

14 (3) In addition to any other activities authorized for a cider business, a cider business
15 established under this section may:

16 (a) Market cider produced in conjunction with the cider business.

17 (b) Conduct operations that are directly related to the sale or marketing of cider
18 produced in conjunction with the cider business, including:

19 (A) Cider tastings in a tasting room or other location on the premises occupied by the
20 cider business;

21 (B) Cider club activities;

22 (C) Cidermaker luncheons and dinners;

23 (D) Cider business and orchard tours;

24 (E) Meetings or business activities with cider business suppliers, distributors, wholesale
25 customers and cider industry members;

26 (F) Cider business staff activities;

27 (G) Open house promotions of cider produced in conjunction with the cider business; and

28 (H) Similar activities conducted for the primary purpose of promoting cider produced in
29 conjunction with the cider business.

30 (c) Market and sell items directly related to the sale or promotion of cider produced in
31 conjunction with the cider business, the marketing and sale of which is incidental to on-site
32 retail sale of cider, including food and beverages:

33 (A) Required to be made available in conjunction with the consumption of cider on the
34 premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

35 (B) Served in conjunction with an activity authorized by paragraph (b), (d) or (e) of this
36 subsection.

37 (d) Subject to subsections (6) to (9) of this section, carry out agri-tourism or other
38 commercial events on the tract occupied by the cider business.

39 (e) Host charitable activities for which the cider business does not charge a facility rental
40 fee.

41 (f) Site a bed and breakfast as a home occupation on the same tract, and in association
42 with, the cider business.

43 (4) A cider business may include on-site kitchen facilities licensed by the Oregon Health
44 Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described
45 in subsection (3)(c) of this section. Food and beverage services authorized under subsection

1 (3)(c) of this section may not utilize menu options or meal services that cause the kitchen
2 facilities to function as a cafe or other dining establishment open to the public.

3 (5)(a) The gross income of the cider business from the sale of incidental items or services
4 provided pursuant to subsection (3)(c) to (e) of this section may not exceed 25 percent of the
5 gross income from the on-site retail sale of cider produced in conjunction with the cider
6 business. The gross income of a cider business does not include income received by third
7 parties unaffiliated with the cider business.

8 (b) At the request of a local government with land use jurisdiction over the site of a cider
9 business, the cider business shall submit to the local government a written statement pre-
10 pared by a certified public accountant that certifies the compliance of the cider business with
11 this subsection for the previous tax year.

12 (6) Except as provided by subsections (7) and (8) of this section, a cider business may
13 carry out agri-tourism or other commercial events described in subsection (3)(d) of this
14 section for up to 18 days per calendar year.

15 (7) A cider business in the Willamette Valley may carry out agri-tourism or other com-
16 mercial events as provided in subsection (6) of this section, provided:

17 (a) Events on the first six days of the 18-day limit per calendar year are authorized by
18 the local government through the issuance of a renewable multi-year license that:

19 (A) Has a term of five years; and

20 (B) Is subject to an administrative review to determine necessary conditions pursuant
21 to subsection (8) of this section.

22 (b) The local government's decision on a license under paragraph (a) of this subsection
23 is not:

24 (A) A land use decision, as defined in ORS 197.015, and is not subject to review by the
25 Land Use Board of Appeals.

26 (B) A permit, as defined in ORS 215.402 or 227.160.

27 (c) Events on days seven through 18 of the 18-day limit per calendar year are authorized
28 by the local government through the issuance of a renewable multi-year permit that:

29 (A) Has a term of five years;

30 (B) Is subject to an administrative review to determine necessary conditions pursuant
31 to subsection (8) of this section; and

32 (C) Is subject to notice as specified in ORS 215.416 (11) or 227.175 (10).

33 (d) The local government's decision on a permit under paragraph (c) of this subsection
34 is:

35 (A) A land use decision, as defined in ORS 197.015, and is subject to review by the Land
36 Use Board of Appeals.

37 (B) A permit, as defined in ORS 215.402 or 227.160.

38 (8)(a) A local government with land use jurisdiction over the site of a cider business shall
39 ensure that agri-tourism or other commercial events occurring as described in subsection
40 (3)(d) of this section are subordinate to the production and sale of cider and do not create
41 significant adverse impacts to uses on surrounding land.

42 (b) A local government may impose conditions on a license or permit issued pursuant to
43 subsection (7) of this section as necessary to meet the requirements of paragraph (a) of this
44 subsection. The conditions must be related to:

45 (A) The number of event attendees;

1 **(B) The hours of event operation;**

2 **(C) Access and parking;**

3 **(D) Traffic management;**

4 **(E) Noise management; and**

5 **(F) Sanitation and solid waste.**

6 **(9) A local government may charge a fee for processing a license or permit under sub-**
7 **sections (6) and (7) of this section. The fee may not exceed the actual or average cost of**
8 **providing the applicable licensing or permitting service.**

9 **(10) When a bed and breakfast facility is sited as a home occupation on the same tract**
10 **as a cider business as described in subsection (3)(f) of this section:**

11 **(a) The bed and breakfast facility may prepare and serve two meals per day to the reg-**
12 **istered guests of the bed and breakfast facility; and**

13 **(b) The meals may be served at the bed and breakfast facility or at the cider business.**

14 **(11) A cider business operating under this section shall provide parking for all activities**
15 **or uses of the lot, parcel or tract on which the cider business is situated.**

16 **(12) A local government with land use jurisdiction over the site of a cider business shall**
17 **ensure that the cider business complies with:**

18 **(a) Local criteria regarding floodplains, geologic hazards, the Willamette River Greenway,**
19 **solar access and airport safety;**

20 **(b) Regulations of general applicability for the public health and safety; and**

21 **(c) Regulations for resource protection acknowledged to comply with any statewide goal**
22 **respecting open spaces, scenic and historic areas and natural resources.**

23 **(13)(a) For the purpose of limiting demonstrated conflicts with accepted farm and forest**
24 **practices on adjacent lands, a local government with land use jurisdiction over the site of a**
25 **cider business shall:**

26 **(A) Except as provided in paragraph (b) of this subsection, establish a setback of at least**
27 **100 feet from all property lines for the cider business and all public gathering places; and**

28 **(B) Require cider businesses to provide direct road access and internal circulation for the**
29 **cider business and all public gathering places.**

30 **(b) A local government may allow a setback of less than 100 feet by granting a cider**
31 **business an adjustment or variance to the requirement described in paragraph (a)(A) of this**
32 **subsection.**

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

34 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
35 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

42 (A) ORS 215.275; or

43 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
44 469.300.

45 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (r) Farm stands if:

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

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

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

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

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

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

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

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

43 (A) A public right of way;

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

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

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

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

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

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

14 **(aa) A cider business, as described in section 2 of this 2017 Act.**

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

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

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

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

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

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

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

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

36 (d) Operations conducted for:

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

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

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

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

43 (e) Community centers owned by a governmental agency or a nonprofit community organization
44 and operated primarily by and for residents of the local rural community, hunting and fishing pre-
45 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (10) Roads, highways and other transportation facilities and improvements not allowed under

1 subsections (1) and (2) of this section may be established, subject to the approval of the governing
2 body or its designee, in areas zoned for exclusive farm use subject to:

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

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

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

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

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

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

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

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

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

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

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

27 (i) Planned hours of operation;

28 (ii) Access, egress and parking;

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

31 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

13 (D) Must comply with ORS 215.296;

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

16 (F) Must comply with conditions established for:

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

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

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

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

26 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
20 Edition), the following uses may be established in any area zoned 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 commercial facilities for the purpose of generating electrical power for public use by
25 sale or transmission towers over 200 feet in height. A utility facility necessary for public service
26 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) Nonresidential buildings customarily provided in conjunction with farm use.

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

45 (g) Operations for the exploration for and production of geothermal resources as defined by ORS

1 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
2 compressors, separators and other customary production equipment for an individual well adjacent
3 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
4 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

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

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

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

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

35 (C) Has interior wiring for interior lights;

36 (D) Has a heating system; and

37 (E) In the case of replacement:

38 (i) Is removed, demolished or converted to an allowable nonresidential use within three months
39 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of
40 the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable
41 siting standards. However, the standards shall not be applied in a manner that prohibits the siting
42 of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned
43 for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the
44 deed records for the county where the property is located a deed restriction prohibiting the siting
45 of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless

1 a statement of release is placed in the deed records for the county. The release shall be signed by
2 the county or its designee and state that the provisions of this paragraph regarding replacement
3 dwellings have changed to allow the siting of another dwelling. The county planning director or the
4 director's designee shall maintain a record of the lots and parcels that do not qualify for the siting
5 of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions
6 and release statements filed under this paragraph; and

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

15 (r) Farm stands if:

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

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

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

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

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

1 cable siting standards but the standards may not be applied in a manner that prohibits the siting
2 of the processing facility or establishment.

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

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

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

10 (A) A public right of way;

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

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

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

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

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

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

26 **(aa) A cider business, as described in section 2 of this 2017 Act.**

27 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
28 the following uses may be established in any area zoned for exclusive farm use subject to ORS
29 215.296:

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

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

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

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

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

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

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

3 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (A) A lot or parcel described in this section is contiguous to one or more lots or parcels de-

1 scribed in this section; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (i) Planned hours of operation;

40 (ii) Access, egress and parking;

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

43 (iv) Sanitation and solid waste.

44 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
45 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-

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

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

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

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

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

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

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

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

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

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

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

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

25 (D) Must comply with ORS 215.296;

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

28 (F) Must comply with conditions established for:

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

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

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

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

38 (v) Sanitation and solid waste.

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

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

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

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

3 and

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

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

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

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

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

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

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

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

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

30 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

37 (A) ORS 215.275; or

38 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
39 469.300.

40 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
41 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
42 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
43 operator does or will require the assistance of the relative in the management of the farm use and
44 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
45 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS

1 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
2 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
3 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
4 shall operate as a partition of the homesite to create a new parcel.

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

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

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

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

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

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

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

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

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

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

30 (o) Farm stands if:

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

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

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

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

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

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

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

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

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

24 (A) A public right of way;

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

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

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

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

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

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

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

43 **(y) A cider business, as described in section 2 of this 2017 Act.**

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

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

3 (b) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (x) A living history museum related to resource based activities owned and operated by a gov-
43 ernmental agency or a local historical society, together with limited commercial activities and fa-
44 cilities that are directly related to the use and enjoyment of the museum and located within
45 authentic buildings of the depicted historic period or the museum administration building, if areas

1 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
2 the museum administration buildings and parking lot are located within one quarter mile of an ur-
3 ban growth boundary. As used in this paragraph:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (i) Planned hours of operation;

45 (ii) Access, egress and parking;

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

3 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

30 (D) Must comply with ORS 215.296;

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

33 (F) Must comply with conditions established for:

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

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

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

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

43 (v) Sanitation and solid waste.

44 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
45 or other commercial events or activities that occur more frequently or for a longer period or that

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

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

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

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

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

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

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

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

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

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

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

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

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

36 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

43 (A) ORS 215.275; or

44 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
45 469.300.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (C) Has interior wiring for interior lights;

6 (D) Has a heating system; and

7 (E) In the case of replacement:

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

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

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

41 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
42 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
43 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
44 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
45 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor

1 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
2 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
3 cable siting standards but the standards may not be applied in a manner that prohibits the siting
4 of the processing facility or establishment.

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

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

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

12 (A) A public right of way;

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

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

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

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

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

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

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

31 **(y) A cider business, as described in section 2 of this 2017 Act.**

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

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

36 (b) Operations conducted for:

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

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

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

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

43 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the
44 approval of the county governing body or its designee, a private campground may provide yurts for
45 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,

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

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

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

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

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

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

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

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

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

41 (L) 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 ished or, in the case of an existing building, the building shall be removed, demolished or returned

1 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-
2 view of the hardship claimed under this paragraph. A temporary residence approved under this
3 paragraph is not eligible for replacement under subsection (1)(p) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (i) Planned hours of operation;

33 (ii) Access, egress and parking;

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

36 (iv) Sanitation and solid waste.

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

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

- 1 (B) May not begin before 6 a.m. or end after 10 p.m.;
- 2 (C) May not involve more than 100 attendees or 50 vehicles;
- 3 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 4 (E) May not require or involve the construction or use of a new permanent structure in con-
- 5 nection with the agri-tourism or other commercial event or activity;
- 6 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
- 7 properties consent, in writing, to the location; and
- 8 (G) Must comply with applicable health and fire and life safety requirements.
- 9 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
- 10 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
- 11 use permit that is personal to the applicant and is not transferred by, or transferable with, a
- 12 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
- 13 local standards that apply, and the agri-tourism or other commercial events or activities:
- 14 (A) Must be incidental and subordinate to existing farm use on the tract;
- 15 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 16 (C) May not require that a new permanent structure be built, used or occupied in connection
- 17 with the agri-tourism or other commercial events or activities;
- 18 (D) Must comply with ORS 215.296;
- 19 (E) May not, in combination with other agri-tourism or other commercial events or activities
- 20 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 21 (F) Must comply with conditions established for:
- 22 (i) The types of agri-tourism or other commercial events or activities that are authorized during
- 23 each calendar year, including the number and duration of the agri-tourism or other commercial
- 24 events and activities, the anticipated daily attendance and the hours of operation;
- 25 (ii) The location of existing structures and the location of proposed temporary structures to be
- 26 used in connection with the agri-tourism or other commercial events or activities;
- 27 (iii) The location of access and egress and parking facilities to be used in connection with the
- 28 agri-tourism or other commercial events or activities;
- 29 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
- 30 public roads; and
- 31 (v) Sanitation and solid waste.
- 32 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
- 33 or other commercial events or activities that occur more frequently or for a longer period or that
- 34 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
- 35 commercial events or activities comply with any local standards that apply and the agri-tourism or
- 36 other commercial events or activities:
- 37 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
- 38 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
- 39 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
- 40 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
- 41 and
- 42 (D) Do not exceed 18 events or activities in a calendar year.
- 43 (5) A holder of a permit authorized by a county under subsection (4)(d) of this section must re-
- 44 quest review of the permit at four-year intervals. Upon receipt of a request for review, the county
- 45 shall:

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

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

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

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

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

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

22
