

SB 1533-3
(LC 34)
2/8/18 (RLM/ps)

Requested by SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO
SENATE BILL 1533**

1 On page 1 of the printed bill, line 2, after “ORS” insert “215.213 and”.

2 Delete lines 5 through 30 and delete pages 2 through 18 and insert:

3 **“SECTION 1.** ORS 215.213 is amended to read:

4 “215.213. (1) In counties that have adopted marginal lands provisions un-
5 der ORS 197.247 (1991 Edition), the following uses may be established in any
6 area zoned for exclusive farm use:

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

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

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

14 “(A) ORS 215.275; or

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

17 “(d) A dwelling on real property used for farm use if the dwelling is oc-
18 cupied by a relative of the farm operator or the farm operator’s spouse,
19 which means a child, parent, stepparent, grandchild, grandparent,
20 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,
21 if the farm operator does or will require the assistance of the relative in the

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

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

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

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

22 “(h) Operations for the exploration for minerals as defined by ORS
23 517.750. Any activities or construction relating to such operations shall not
24 be a basis for an exception under ORS 197.732 (2)(a) or (b).

25 “(i) One manufactured dwelling or recreational vehicle, or the temporary
26 residential use of an existing building, in conjunction with an existing
27 dwelling as a temporary use for the term of a hardship suffered by the ex-
28 isting resident or a relative of the resident. Within three months of the end
29 of the hardship, the manufactured dwelling or recreational vehicle shall be
30 removed or demolished or, in the case of an existing building, the building

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

6 “(j) Climbing and passing lanes within the right of way existing as of July
7 1, 1987.

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

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

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

20 “(n) A replacement dwelling to be used in conjunction with farm use if
21 the existing dwelling has been listed in a county inventory as historic prop-
22 erty as defined in ORS 358.480.

23 “(o) Creation, restoration or enhancement of wetlands.

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

25 “(q) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, res-
26 toration or replacement of a lawfully established dwelling.

27 “(r) Farm stands if:

28 “(A) The structures are designed and used for the sale of farm crops or
29 livestock grown on the farm operation, or grown on the farm operation and
30 other farm operations in the local agricultural area, including the sale of

1 retail incidental items and fee-based activity to promote the sale of farm
2 crops or livestock sold at the farm stand if the annual sale of incidental
3 items and fees from promotional activity do not make up more than 25 per-
4 cent of the total annual sales of the farm stand; and

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

9 “(s) An armed forces reserve center, if the center is within one-half mile
10 of a community college. For purposes of this paragraph, ‘armed forces reserve
11 center’ includes an armory or National Guard support facility.

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

26 “(u) A facility for the processing of farm crops or for the production of
27 biofuel, as defined in ORS 315.141, if the facility is located on a farm oper-
28 ation that provides at least one-quarter of the farm crops processed at the
29 facility, or an establishment for the slaughter, processing or selling of
30 poultry or poultry products pursuant to ORS 603.038. If a building is estab-

1 lished or used for the processing facility or establishment, the farm operator
2 may not devote more than 10,000 square feet of floor area to the processing
3 facility or establishment, exclusive of the floor area designated for prepara-
4 tion, storage or other farm use. A processing facility or establishment must
5 comply with all applicable siting standards but the standards may not be
6 applied in a manner that prohibits the siting of the processing facility or
7 establishment.

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

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

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

16 “(A) A public right of way;

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

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

20 “(y) Subject to the issuance of a license, permit or other approval by the
21 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
22 468B.053 or 468B.055, or in compliance with rules adopted under ORS
23 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
24 reclaimed water, agricultural or industrial process water or biosolids, or the
25 onsite treatment of septage prior to the land application of biosolids, for
26 agricultural, horticultural or silvicultural production, or for irrigation in
27 connection with a use allowed in an exclusive farm use zone under this
28 chapter. For the purposes of this paragraph, onsite treatment of septage prior
29 to the land application of biosolids is limited to treatment using treatment
30 facilities that are portable, temporary and transportable by truck trailer, as

1 defined in ORS 801.580, during a period of time within which land applica-
2 tion of biosolids is authorized under the license, permit or other approval.

3 “(z) Dog training classes or testing trials, which may be conducted out-
4 doors or in preexisting farm buildings, when:

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

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

11 “(aa) A cider business, as described in ORS 215.451.

12 “(2) In counties that have adopted marginal lands provisions under ORS
13 197.247 (1991 Edition), the following uses may be established in any area
14 zoned for exclusive farm use subject to ORS 215.296:

15 “(a) A primary dwelling in conjunction with farm use or the propagation
16 or harvesting of a forest product on a lot or parcel that is managed as part
17 of a farm operation or woodlot if the farm operation or woodlot:

18 “(A) Consists of 20 or more acres; and

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

22 “(b) A primary dwelling in conjunction with farm use or the propagation
23 or harvesting of a forest product on a lot or parcel that is managed as part
24 of a farm operation or woodlot smaller than required under paragraph (a)
25 of this subsection, if the lot or parcel:

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

1 “(B) Is a woodlot capable of producing an average over the growth cycle
2 of \$20,000 in gross annual income.

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

6 “(d) Operations conducted for:

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

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

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

14 “(D) Processing of other mineral resources and other subsurface re-
15 sources.

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

1 hookup or internal cooking appliance.

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

4 “(g) Commercial utility facilities for the purpose of generating power for
5 public use by sale. If the area zoned for exclusive farm use is high-value
6 farmland, a photovoltaic solar power generation facility may be established
7 as a commercial utility facility as provided in ORS 215.447.

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

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

30 “(j) A site for the disposal of solid waste approved by the governing body

1 of a city or county or both and for which a permit has been granted under
2 ORS 459.245 by the Department of Environmental Quality together with
3 equipment, facilities or buildings necessary for its operation.

4 “(k)(A) Commercial dog boarding kennels; or

5 “(B) Dog training classes or testing trials that cannot be established un-
6 der subsection (1)(z) of this section.

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

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

17 “(n) Home occupations as provided in ORS 215.448.

18 “(o) Transmission towers over 200 feet in height.

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

22 “(q) Reconstruction or modification of public roads and highways involv-
23 ing the removal or displacement of buildings but not resulting in the cre-
24 ation of new land parcels.

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

29 “(s) A destination resort that is approved consistent with the require-
30 ments of any statewide planning goal relating to the siting of a destination

1 resort.

2 “(t) Room and board arrangements for a maximum of five unrelated per-
3 sons in existing residences.

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

13 “(A) ‘Living history museum’ means a facility designed to depict and in-
14 terpret everyday life and culture of some specific historic period using au-
15 thentic buildings, tools, equipment and people to simulate past activities and
16 events; and

17 “(B) ‘Local historical society’ means the local historical society, recog-
18 nized as such by the county governing body and organized under ORS chap-
19 ter 65.

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

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

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

29 “(y) Public or private schools for kindergarten through grade 12, includ-
30 ing all buildings essential to the operation of a school, primarily for resi-

1 dents of the rural area in which the school is located.

2 **“(z) Equine and equine-affiliated therapeutic and counseling activ-**
3 **ities, provided:**

4 **“(A) The activities are conducted in existing buildings that were**
5 **lawfully constructed on the property before the effective date of this**
6 **2018 Act or in new buildings that are accessory, incidental and subor-**
7 **dinate to the farm use on the tract; and**

8 **“(B) All individuals conducting therapeutic or counseling activities**
9 **are acting within the proper scope of any licenses required by the**
10 **state.**

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

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

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

28 **“(c) Complies with such other conditions as the governing body or its**
29 **designee considers necessary.**

30 **“(4) In counties that have adopted marginal lands provisions under ORS**

1 197.247 (1991 Edition), one single-family dwelling, not provided in conjunc-
2 tion with farm use, may be established in any area zoned for exclusive farm
3 use on a lot or parcel described in subsection (7) of this section that is not
4 larger than three acres upon written findings showing:

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

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

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

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

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

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

1 requested under subsection (4) of this section.

2 “(7) Subsection (4) of this section applies to a lot or parcel lawfully cre-
3 ated between January 1, 1948, and July 1, 1983. For the purposes of this
4 section:

5 “(a) Only one lot or parcel exists if:

6 “(A) A lot or parcel described in this section is contiguous to one or more
7 lots or parcels described in this section; and

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

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

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

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

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

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

26 “(b) ORS 215.296 for those uses identified by rule of the Land Conserva-
27 tion and Development Commission as provided in section 3, chapter 529,
28 Oregon Laws 1993.

29 “(11) The following agri-tourism and other commercial events or activities
30 that are related to and supportive of agriculture may be established in any

1 area zoned for exclusive farm use:

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

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

9 “(B) The duration of the agri-tourism or other commercial event or ac-
10 tivity does not exceed 72 consecutive hours;

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

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

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

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

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

23 “(i) Planned hours of operation;

24 “(ii) Access, egress and parking;

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

27 “(iv) Sanitation and solid waste.

28 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a
29 county may authorize, through an expedited, single-event license, a single
30 agri-tourism or other commercial event or activity on a tract in a calendar

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

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

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

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

12 “(D) May not include the artificial amplification of music or voices before
13 8 a.m. or after 8 p.m.;

14 “(E) May not require or involve the construction or use of a new perma-
15 nent structure in connection with the agri-tourism or other commercial event
16 or activity;

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

19 “(G) Must comply with applicable health and fire and life safety require-
20 ments.

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

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

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

30 “(C) May not require that a new permanent structure be built, used or

1 occupied in connection with the agri-tourism or other commercial events or
2 activities;

3 “(D) Must comply with ORS 215.296;

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

7 “(F) Must comply with conditions established for:

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

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

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

17 “(iv) Traffic management, including the projected number of vehicles and
18 any anticipated use of public roads; and

19 “(v) Sanitation and solid waste.

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

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

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

1 “(C) Occur on a lot or parcel that complies with the acknowledged mini-
2 mum lot or parcel size; and

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

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

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

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

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

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

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

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

1 and activities.

2 **“SECTION 2.** ORS 215.213, as amended by section 7, chapter 462, Oregon
3 Laws 2013, section 2, chapter 148, Oregon Laws 2017, section 4, chapter 253,
4 Oregon Laws 2017, and section 4, chapter 504, Oregon Laws 2017, is amended
5 to read:

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

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

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

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

16 “(A) ORS 215.275; or

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

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

1 a partition of the homesite to create a new parcel.

2 “(e) Nonresidential buildings customarily provided in conjunction with
3 farm use.

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

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

15 “(h) Operations for the exploration for minerals as defined by ORS
16 517.750. Any activities or construction relating to such operations shall not
17 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

29 “(j) Climbing and passing lanes within the right of way existing as of July
30 1, 1987.

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

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

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

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

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

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

18 “(q) Alteration, restoration or replacement of a lawfully established
19 dwelling that:

20 “(A) Has intact exterior walls and roof structure;

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

23 “(C) Has interior wiring for interior lights;

24 “(D) Has a heating system; and

25 “(E) In the case of replacement:

26 “(i) Is removed, demolished or converted to an allowable nonresidential
27 use within three months of the completion of the replacement dwelling. A
28 replacement dwelling may be sited on any part of the same lot or parcel. A
29 dwelling established under this paragraph shall comply with all applicable
30 siting standards. However, the standards shall not be applied in a manner

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

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

26 “(r) Farm stands if:

27 “(A) The structures are designed and used for the sale of farm crops or
28 livestock grown on the farm operation, or grown on the farm operation and
29 other farm operations in the local agricultural area, including the sale of
30 retail incidental items and fee-based activity to promote the sale of farm

1 crops or livestock sold at the farm stand if the annual sale of incidental
2 items and fees from promotional activity do not make up more than 25 per-
3 cent of the total annual sales of the farm stand; and

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

8 “(s) An armed forces reserve center, if the center is within one-half mile
9 of a community college. For purposes of this paragraph, ‘armed forces reserve
10 center’ includes an armory or National Guard support facility.

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

25 “(u) A facility for the processing of farm crops or for the production of
26 biofuel, as defined in ORS 315.141, if the facility is located on a farm oper-
27 ation that provides at least one-quarter of the farm crops processed at the
28 facility, or an establishment for the slaughter, processing or selling of
29 poultry or poultry products pursuant to ORS 603.038. If a building is estab-
30 lished or used for the processing facility or establishment, the farm operator

1 may not devote more than 10,000 square feet of floor area to the processing
2 facility or establishment, exclusive of the floor area designated for prepara-
3 tion, storage or other farm use. A processing facility or establishment must
4 comply with all applicable siting standards but the standards may not be
5 applied in a manner that prohibits the siting of the processing facility or
6 establishment.

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

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

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

15 “(A) A public right of way;

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

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

19 “(y) Subject to the issuance of a license, permit or other approval by the
20 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
21 468B.053 or 468B.055, or in compliance with rules adopted under ORS
22 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
23 reclaimed water, agricultural or industrial process water or biosolids, or the
24 onsite treatment of septage prior to the land application of biosolids, for
25 agricultural, horticultural or silvicultural production, or for irrigation in
26 connection with a use allowed in an exclusive farm use zone under this
27 chapter. For the purposes of this paragraph, onsite treatment of septage prior
28 to the land application of biosolids is limited to treatment using treatment
29 facilities that are portable, temporary and transportable by truck trailer, as
30 defined in ORS 801.580, during a period of time within which land applica-

1 tion of biosolids is authorized under the license, permit or other approval.

2 “(z) Dog training classes or testing trials, which may be conducted out-
3 doors or in preexisting farm buildings, when:

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

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

10 “(aa) A cider business, as described in ORS 215.451.

11 “(2) In counties that have adopted marginal lands provisions under ORS
12 197.247 (1991 Edition), the following uses may be established in any area
13 zoned for exclusive farm use subject to ORS 215.296:

14 “(a) A primary dwelling in conjunction with farm use or the propagation
15 or harvesting of a forest product on a lot or parcel that is managed as part
16 of a farm operation or woodlot if the farm operation or woodlot:

17 “(A) Consists of 20 or more acres; and

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

21 “(b) A primary dwelling in conjunction with farm use or the propagation
22 or harvesting of a forest product on a lot or parcel that is managed as part
23 of a farm operation or woodlot smaller than required under paragraph (a)
24 of this subsection, if the lot or parcel:

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

30 “(B) Is a woodlot capable of producing an average over the growth cycle

1 of \$20,000 in gross annual income.

2 “(c) Commercial activities that are in conjunction with farm use, includ-
3 ing the processing of farm crops into biofuel not permitted under ORS
4 215.203 (2)(b)(K) or subsection (1)(u) of this section.

5 “(d) Operations conducted for:

6 “(A) Mining and processing of geothermal resources as defined by ORS
7 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted
8 under subsection (1)(g) of this section;

9 “(B) Mining, crushing or stockpiling of aggregate and other mineral and
10 other subsurface resources subject to ORS 215.298;

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

13 “(D) Processing of other mineral resources and other subsurface re-
14 sources.

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

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

3 “(g) Commercial utility facilities for the purpose of generating power for
4 public use by sale. If the area zoned for exclusive farm use is high-value
5 farmland, a photovoltaic solar power generation facility may be established
6 as a commercial utility facility as provided in ORS 215.447.

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

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

29 “(j) A site for the disposal of solid waste approved by the governing body
30 of a city or county or both and for which a permit has been granted under

1 ORS 459.245 by the Department of Environmental Quality together with
2 equipment, facilities or buildings necessary for its operation.

3 “(k)(A) Commercial dog boarding kennels; or

4 “(B) Dog training classes or testing trials that cannot be established un-
5 der subsection (1)(z) of this section.

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

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

16 “(n) Home occupations as provided in ORS 215.448.

17 “(o) Transmission towers over 200 feet in height.

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

21 “(q) Reconstruction or modification of public roads and highways involv-
22 ing the removal or displacement of buildings but not resulting in the cre-
23 ation of new land parcels.

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

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

1 “(t) Room and board arrangements for a maximum of five unrelated per-
2 sons in existing residences.

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

12 “(A) ‘Living history museum’ means a facility designed to depict and in-
13 terpret everyday life and culture of some specific historic period using au-
14 thentic buildings, tools, equipment and people to simulate past activities and
15 events; and

16 “(B) ‘Local historical society’ means the local historical society, recog-
17 nized as such by the county governing body and organized under ORS chap-
18 ter 65.

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

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

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

28 “(y) Public or private schools for kindergarten through grade 12, includ-
29 ing all buildings essential to the operation of a school, primarily for resi-
30 dents of the rural area in which the school is located.

1 “(z) **Equine and equine-affiliated therapeutic and counseling activ-**
2 **ities, provided:**

3 “(A) **The activities are conducted in existing buildings that were**
4 **lawfully constructed on the property before the effective date of this**
5 **2018 Act or in new buildings that are accessory, incidental and subor-**
6 **dinate to the farm use on the tract; and**

7 “(B) **All individuals conducting therapeutic or counseling activities**
8 **are acting within the proper scope of any licenses required by the**
9 **state.**

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

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

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

27 “(c) Complies with such other conditions as the governing body or its
28 designee considers necessary.

29 “(4) In counties that have adopted marginal lands provisions under ORS
30 197.247 (1991 Edition), one single-family dwelling, not provided in conjunc-

1 tion with farm use, may be established in any area zoned for exclusive farm
2 use on a lot or parcel described in subsection (7) of this section that is not
3 larger than three acres upon written findings showing:

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

7 “(b) If the lot or parcel is located within the Willamette River Greenway,
8 a floodplain or a geological hazard area, the dwelling complies with condi-
9 tions imposed by local ordinances relating specifically to the Willamette
10 River Greenway, floodplains or geological hazard areas, whichever is appli-
11 cable; and

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

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

16 “(a) Owners of land that is within 250 feet of the lot or parcel on which
17 the dwelling will be established; and

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

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

1 “(7) Subsection (4) of this section applies to a lot or parcel lawfully cre-
2 ated between January 1, 1948, and July 1, 1983. For the purposes of this
3 section:

4 “(a) Only one lot or parcel exists if:

5 “(A) A lot or parcel described in this section is contiguous to one or more
6 lots or parcels described in this section; and

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

10 “(b) ‘Contiguous’ means lots, parcels or lots and parcels that have a
11 common boundary, including but not limited to, lots, parcels or lots and
12 parcels separated only by a public road.

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

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

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

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

25 “(b) ORS 215.296 for those uses identified by rule of the Land Conserva-
26 tion and Development Commission as provided in section 3, chapter 529,
27 Oregon Laws 1993.

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

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

6 “(A) The agri-tourism or other commercial event or activity is incidental
7 and subordinate to existing farm use on the tract;

8 “(B) The duration of the agri-tourism or other commercial event or ac-
9 tivity does not exceed 72 consecutive hours;

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

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

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

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

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

22 “(i) Planned hours of operation;

23 “(ii) Access, egress and parking;

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

26 “(iv) Sanitation and solid waste.

27 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a
28 county may authorize, through an expedited, single-event license, a single
29 agri-tourism or other commercial event or activity on a tract in a calendar
30 year by an expedited, single-event license that is personal to the applicant

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

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

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

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

11 “(D) May not include the artificial amplification of music or voices before
12 8 a.m. or after 8 p.m.;

13 “(E) May not require or involve the construction or use of a new perma-
14 nent structure in connection with the agri-tourism or other commercial event
15 or activity;

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

18 “(G) Must comply with applicable health and fire and life safety require-
19 ments.

20 “(c) In the alternative to paragraphs (a) and (b) of this subsection, a
21 county may authorize up to six agri-tourism or other commercial events or
22 activities on a tract in a calendar year by a limited use permit that is per-
23 sonal 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
25 activities must meet any local standards that apply, and the agri-tourism or
26 other commercial events or activities:

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

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

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

1 activities;

2 “(D) Must comply with ORS 215.296;

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

6 “(F) Must comply with conditions established for:

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

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

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

16 “(iv) Traffic management, including the projected number of vehicles and
17 any anticipated use of public roads; and

18 “(v) Sanitation and solid waste.

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

25 “(A) Are incidental and subordinate to existing commercial farm use of
26 the tract and are necessary to support the commercial farm uses or the
27 commercial agricultural enterprises in the area;

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

30 “(C) Occur on a lot or parcel that complies with the acknowledged mini-

1 mum lot or parcel size; and

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

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

6 “(a) Provide public notice and an opportunity for public comment as part
7 of the review process; and

8 “(b) Limit its review to events and activities authorized by the permit,
9 conformance with conditions of approval required by the permit and the
10 standards established by subsection (11)(d) of this section.

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

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

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

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

1 **“SECTION 3.** ORS 215.283 is amended to read:

2 “215.283. (1) The following uses may be established in any area zoned for
3 exclusive farm use:

4 “(a) Churches and cemeteries in conjunction with churches.

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

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

11 “(A) ORS 215.275; or

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

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

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

29 “(f) Operations for the exploration for and production of geothermal re-
30 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,

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

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

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

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

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

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

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

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

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

27 “(o) Farm stands if:

28 “(A) The structures are designed and used for the sale of farm crops or
29 livestock grown on the farm operation, or grown on the farm operation and
30 other farm operations in the local agricultural area, including the sale of

1 retail incidental items and fee-based activity to promote the sale of farm
2 crops or livestock sold at the farm stand if the annual sale of incidental
3 items and fees from promotional activity do not make up more than 25 per-
4 cent of the total annual sales of the farm stand; and

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

9 “(p) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, res-
10 toration or replacement of a lawfully established dwelling.

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

25 “(r) A facility for the processing of farm crops or for the production of
26 biofuel, as defined in ORS 315.141, if the facility is located on a farm oper-
27 ation that provides at least one-quarter of the farm crops processed at the
28 facility, or an establishment for the slaughter, processing or selling of
29 poultry or poultry products pursuant to ORS 603.038. If a building is estab-
30 lished or used for the processing facility or establishment, the farm operator

1 may not devote more than 10,000 square feet of floor area to the processing
2 facility or establishment, exclusive of the floor area designated for prepara-
3 tion, storage or other farm use. A processing facility or establishment must
4 comply with all applicable siting standards but the standards may not be
5 applied in a manner that prohibits the siting of the processing facility or
6 establishment.

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

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

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

15 “(A) A public right of way;

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

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

19 “(v) Subject to the issuance of a license, permit or other approval by the
20 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
21 468B.053 or 468B.055, or in compliance with rules adopted under ORS
22 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
23 reclaimed water, agricultural or industrial process water or biosolids, or the
24 onsite treatment of septage prior to the land application of biosolids, for
25 agricultural, horticultural or silvicultural production, or for irrigation in
26 connection with a use allowed in an exclusive farm use zone under this
27 chapter. For the purposes of this paragraph, onsite treatment of septage prior
28 to the land application of biosolids is limited to treatment using treatment
29 facilities that are portable, temporary and transportable by truck trailer, as
30 defined in ORS 801.580, during a period of time within which land applica-

1 tion of biosolids is authorized under the license, permit or other approval.

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

6 “(x) Dog training classes or testing trials, which may be conducted out-
7 doors or in preexisting farm buildings, when:

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

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

14 “(y) A cider business, as described in ORS 215.451.

15 “(2) The following nonfarm uses may be established, subject to the ap-
16 proval of the governing body or its designee in any area zoned for exclusive
17 farm use subject to ORS 215.296:

18 “(a) Commercial activities that are in conjunction with farm use, includ-
19 ing the processing of farm crops into biofuel not permitted under ORS
20 215.203 (2)(b)(K) or subsection (1)(r) of this section.

21 “(b) Operations conducted for:

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

25 “(B) Mining, crushing or stockpiling of aggregate and other mineral and
26 other subsurface resources subject to ORS 215.298;

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

29 “(D) Processing of other mineral resources and other subsurface re-
30 sources.

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

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

16 “(e) Community centers owned by a governmental agency or a nonprofit
17 community organization and operated primarily by and for residents of the
18 local rural community. A community center authorized under this paragraph
19 may provide services to veterans, including but not limited to emergency and
20 transitional shelter, preparation and service of meals, vocational and educa-
21 tional counseling and referral to local, state or federal agencies providing
22 medical, mental health, disability income replacement and substance abuse
23 services, only in a facility that is in existence on January 1, 2006. The ser-
24 vices may not include direct delivery of medical, mental health, disability
25 income replacement or substance abuse services.

26 “(f) Golf courses on land:

27 “(A) Determined not to be high-value farmland, as defined in ORS 195.300
28 (10); or

29 “(B) Determined to be high-value farmland described in ORS 195.300
30 (10)(c) if the land:

1 “(i) Is not otherwise described in ORS 195.300 (10);

2 “(ii) Is surrounded on all sides by an approved golf course; and

3 “(iii) Is west of U.S. Highway 101.

4 “(g) Commercial utility facilities for the purpose of generating power for
5 public use by sale. If the area zoned for exclusive farm use is high-value
6 farmland, a photovoltaic solar power generation facility may be established
7 as a commercial utility facility as provided in ORS 215.447.

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

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

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

1 “(k) A site for the disposal of solid waste approved by the governing body
2 of a city or county or both and for which a permit has been granted under
3 ORS 459.245 by the Department of Environmental Quality together with
4 equipment, facilities or buildings necessary for its operation.

5 “(L) One manufactured dwelling or recreational vehicle, or the temporary
6 residential use of an existing building, in conjunction with an existing
7 dwelling as a temporary use for the term of a hardship suffered by the ex-
8 isting resident or a relative of the resident. Within three months of the end
9 of the hardship, the manufactured dwelling or recreational vehicle shall be
10 removed or demolished or, in the case of an existing building, the building
11 shall be removed, demolished or returned to an allowed nonresidential use.
12 The governing body or its designee shall provide for periodic review of the
13 hardship claimed under this paragraph. A temporary residence approved un-
14 der this paragraph is not eligible for replacement under subsection (1)(p) of
15 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 un-
19 der subsection (1)(x) of 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
22 species that are not under the jurisdiction of the State Fish and Wildlife
23 Commission or insect species. Insect species shall not include any species
24 under quarantine by the State Department of Agriculture or the United
25 States Department of Agriculture. The county shall provide notice of all
26 applications under this paragraph to the State Department of Agriculture.
27 Notice shall be provided in accordance with the county’s land use regu-
28 lations but shall be mailed at least 20 calendar days prior to any adminis-
29 trative decision or initial public hearing on the application.

30 “(q) Construction of additional passing and travel lanes requiring the

1 acquisition of right of way but not resulting in the creation of new land
2 parcels.

3 “(r) Reconstruction or modification of public roads and highways involv-
4 ing the removal or displacement of buildings but not resulting in the cre-
5 ation of new land parcels.

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

10 “(t) A destination resort that is approved consistent with the require-
11 ments of any statewide planning goal relating to the siting of a destination
12 resort.

13 “(u) Room and board arrangements for a maximum of five unrelated per-
14 sons in existing residences.

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

16 “(w) Expansion of existing county fairgrounds and activities directly re-
17 lating to county fairgrounds governed by county fair boards established
18 pursuant to ORS 565.210.

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

28 “(A) ‘Living history museum’ means a facility designed to depict and in-
29 terpret everyday life and culture of some specific historic period using au-
30 thentic buildings, tools, equipment and people to simulate past activities and

1 events; and

2 “(B) ‘Local historical society’ means the local historical society recog-
3 nized by the county governing body and organized under ORS chapter 65.

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

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

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

15 **“(bb) Equine and equine-affiliated therapeutic and counseling ac-
16 tivities, provided:**

17 **“(A) The activities are conducted in existing buildings that were
18 lawfully constructed on the property before the effective date of this
19 2018 Act or in new buildings that are accessory, incidental and subor-
20 dinate to the farm use on the tract; and**

21 **“(B) All individuals conducting therapeutic or counseling activities
22 are acting within the proper scope of any licenses required by the
23 state.**

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

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

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

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

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

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

14 “(B) The duration of the agri-tourism or other commercial event or ac-
15 tivity does not exceed 72 consecutive hours;

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

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

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

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

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

28 “(i) Planned hours of operation;

29 “(ii) Access, egress and parking;

30 “(iii) A traffic management plan that identifies the projected number of

1 vehicles and any anticipated use of public roads; and

2 “(iv) Sanitation and solid waste.

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

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

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

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

17 “(D) May not include the artificial amplification of music or voices before
18 8 a.m. or after 8 p.m.;

19 “(E) May not require or involve the construction or use of a new perma-
20 nent structure in connection with the agri-tourism or other commercial event
21 or activity;

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

24 “(G) Must comply with applicable health and fire and life safety require-
25 ments.

26 “(c) In the alternative to paragraphs (a) and (b) of this subsection, a
27 county may authorize up to six agri-tourism or other commercial events or
28 activities on a tract in a calendar year by a limited use permit that is per-
29 sonal to the applicant and is not transferred by, or transferable with, a
30 conveyance of the tract. The agri-tourism or other commercial events or

1 activities must meet any local standards that apply, and the agri-tourism or
2 other commercial events or activities:

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

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

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

8 “(D) Must comply with ORS 215.296;

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

12 “(F) Must comply with conditions established for:

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

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

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

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

24 “(v) Sanitation and solid waste.

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

1 “(A) Are incidental and subordinate to existing commercial farm use of
2 the tract and are necessary to support the commercial farm uses or the
3 commercial agricultural enterprises in the area;

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

6 “(C) Occur on a lot or parcel that complies with the acknowledged mini-
7 mum lot or parcel size; and

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

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

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

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

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

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

26 “(b) The county may issue the limited use permits authorized by sub-
27 section (4)(c) of this section for two calendar years. When considering an
28 application for renewal, the county shall ensure compliance with the pro-
29 visions of subsection (4)(c) of this section, any local standards that apply and
30 conditions that apply to the permit or to the agri-tourism or other commer-

1 cial events or activities authorized by the permit.

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

7 **“SECTION 4.** ORS 215.283, as amended by section 8, chapter 462, Oregon
8 Laws 2013, section 4, chapter 148, Oregon Laws 2017, section 6, chapter 253,
9 Oregon Laws 2017, section 2, chapter 393, Oregon Laws 2017, and section 6,
10 chapter 504, Oregon Laws 2017, is amended to read:

11 “215.283. (1) The following uses may be established in any area zoned for
12 exclusive farm use:

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

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

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

20 “(A) ORS 215.275; or

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

23 “(d) A dwelling on real property used for farm use if the dwelling is oc-
24 cupied by a relative of the farm operator or the farm operator’s spouse,
25 which means a child, parent, stepparent, grandchild, grandparent,
26 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,
27 if the farm operator does or will require the assistance of the relative in the
28 management of the farm use and the dwelling is located on the same lot or
29 parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to
30 92.192 or the minimum lot or parcel size requirements under ORS 215.780, if

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

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

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

14 “(g) Operations for the exploration for minerals as defined by ORS
15 517.750. Any activities or construction relating to such operations shall not
16 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

6 “(o) Farm stands if:

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

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

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

20 “(A) Has intact exterior walls and roof structure;

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

23 “(C) Has interior wiring for interior lights;

24 “(D) Has a heating system; and

25 “(E) In the case of replacement:

26 “(i) Is removed, demolished or converted to an allowable nonresidential
27 use within three months of the completion of the replacement dwelling. A
28 replacement dwelling may be sited on any part of the same lot or parcel. A
29 dwelling established under this paragraph shall comply with all applicable
30 siting standards. However, the standards shall not be applied in a manner

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

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

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

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

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

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

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

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

30 "(A) A public right of way;

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

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

4 “(v) Subject to the issuance of a license, permit or other approval by the
5 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
6 468B.053 or 468B.055, or in compliance with rules adopted under ORS
7 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
8 reclaimed water, agricultural or industrial process water or biosolids, or the
9 onsite treatment of septage prior to the land application of biosolids, for
10 agricultural, horticultural or silvicultural production, or for irrigation in
11 connection with a use allowed in an exclusive farm use zone under this
12 chapter. For the purposes of this paragraph, onsite treatment of septage prior
13 to the land application of biosolids is limited to treatment using treatment
14 facilities that are portable, temporary and transportable by truck trailer, as
15 defined in ORS 801.580, during a period of time within which land applica-
16 tion of biosolids is authorized under the license, permit or other approval.

17 “(w) A county law enforcement facility that lawfully existed on August
18 20, 2002, and is used to provide rural law enforcement services primarily in
19 rural areas, including parole and post-prison supervision, but not including
20 a correctional facility as defined under ORS 162.135.

21 “(x) Dog training classes or testing trials, which may be conducted out-
22 doors or in preexisting farm buildings, when:

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

26 “(B) The number of dogs participating in a testing trial does not exceed
27 60 and the number of testing trials to be conducted on-site is limited to four
28 or fewer trials per calendar year.

29 “(y) A cider business, as described in ORS 215.451.

30 “(2) The following nonfarm uses may be established, subject to the ap-

1 proval of the governing body or its designee in any area zoned for exclusive
2 farm use subject to ORS 215.296:

3 “(a) Commercial activities that are in conjunction with farm use, includ-
4 ing the processing of farm crops into biofuel not permitted under ORS
5 215.203 (2)(b)(K) or subsection (1)(r) of this section.

6 “(b) Operations conducted for:

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

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

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

14 “(D) Processing of other mineral resources and other subsurface re-
15 sources.

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

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

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

11 “(f) Golf courses on land:

12 “(A) Determined not to be high-value farmland, as defined in ORS 195.300
13 (10); or

14 “(B) Determined to be high-value farmland described in ORS 195.300
15 (10)(c) if the land:

16 “(i) Is not otherwise described in ORS 195.300 (10);

17 “(ii) Is surrounded on all sides by an approved golf course; and

18 “(iii) Is west of U.S. Highway 101.

19 “(g) Commercial utility facilities for the purpose of generating power for
20 public use by sale. If the area zoned for exclusive farm use is high-value
21 farmland, a photovoltaic solar power generation facility may be established
22 as a commercial utility facility as provided in ORS 215.447.

23 “(h) Personal-use airports for airplanes and helicopter pads, including
24 associated hangar, maintenance and service facilities. A personal-use airport,
25 as used in this section, means an airstrip restricted, except for aircraft
26 emergencies, to use by the owner, and, on an infrequent and occasional basis,
27 by invited guests, and by commercial aviation activities in connection with
28 agricultural operations. No aircraft may be based on a personal-use airport
29 other than those owned or controlled by the owner of the airstrip. Exceptions
30 to the activities permitted under this definition may be granted through

1 waiver action by the Oregon Department of Aviation in specific instances.
2 A personal-use airport lawfully existing as of September 13, 1975, shall con-
3 tinue to be permitted subject to any applicable rules of the Oregon Depart-
4 ment of Aviation.

5 “(i) Home occupations as provided in ORS 215.448.

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

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

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

1 “(m) Transmission towers over 200 feet in height.

2 “(n)(A) Commercial dog boarding kennels; or

3 “(B) Dog training classes or testing trials that cannot be established un-
4 der subsection (1)(x) of this section.

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

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

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

18 “(r) Reconstruction or modification of public roads and highways involv-
19 ing the removal or displacement of buildings but not resulting in the cre-
20 ation of new land parcels.

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

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

28 “(u) Room and board arrangements for a maximum of five unrelated per-
29 sons in existing residences.

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

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

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

13 “(A) ‘Living history museum’ means a facility designed to depict and in-
14 terpret everyday life and culture of some specific historic period using au-
15 thentic buildings, tools, equipment and people to simulate past activities and
16 events; and

17 “(B) ‘Local historical society’ means the local historical society recog-
18 nized by the county governing body and organized under ORS chapter 65.

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

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

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

30 “(bb) **Equine and equine-affiliated therapeutic and counseling ac-**

1 **tivities, provided:**

2 **“(A) The activities are conducted in existing buildings that were**
3 **lawfully constructed on the property before the effective date of this**
4 **2018 Act or in new buildings that are accessory, incidental and subor-**
5 **dinate to the farm use on the tract; and**

6 **“(B) All individuals conducting therapeutic or counseling activities**
7 **are acting within the proper scope of any licenses required by the**
8 **state.**

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

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

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

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

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

27 **“(A) The agri-tourism or other commercial event or activity is incidental**
28 **and subordinate to existing farm use on the tract;**

29 **“(B) The duration of the agri-tourism or other commercial event or ac-**
30 **tivity does not exceed 72 consecutive hours;**

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

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

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

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

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

13 “(i) Planned hours of operation;

14 “(ii) Access, egress and parking;

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

17 “(iv) Sanitation and solid waste.

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

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

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

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

2 “(D) May not include the artificial amplification of music or voices before
3 8 a.m. or after 8 p.m.;

4 “(E) May not require or involve the construction or use of a new perma-
5 nent structure in connection with the agri-tourism or other commercial event
6 or activity;

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

9 “(G) Must comply with applicable health and fire and life safety require-
10 ments.

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

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

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

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

23 “(D) Must comply with ORS 215.296;

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

27 “(F) Must comply with conditions established for:

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

1 anticipated daily attendance and the hours of operation;

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

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

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

9 “(v) Sanitation and solid waste.

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

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

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

21 “(C) Occur on a lot or parcel that complies with the acknowledged mini-
22 mum lot or parcel size; and

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

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

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

29 “(b) Limit its review to events and activities authorized by the permit,
30 conformance with conditions of approval required by the permit and the

1 standards established by subsection (4)(d) of this section.

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

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

11 “(b) The county may issue the limited use permits authorized by sub-
12 section (4)(c) of this section for two calendar years. When considering an
13 application for renewal, the county shall ensure compliance with the pro-
14 visions of subsection (4)(c) of this section, any local standards that apply and
15 conditions that apply to the permit or to the agri-tourism or other commer-
16 cial events or activities authorized by the permit.

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

22
