

Requested by Representative CLEM

**PROPOSED AMENDMENTS TO
HOUSE BILL 4031**

1 On page 1 of the printed bill, line 2, delete “and 197A.407” and insert “,
2 197A.407, 215.213, 215.283 and 455.315”.

3 On page 4, after line 25, insert:

4 **“SECTION 5.** ORS 215.213 is amended to read:

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

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

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

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

15 “(A) ORS 215.275; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 “(r) Farm stands if:

29 “(A) The structures are designed and used for the sale of farm crops or
30 livestock grown on the farm operation, or grown on the farm operation and

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

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

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

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

27 “[*u*] A facility for the processing of farm crops or for the production of
28 biofuel, as defined in ORS 315.141, if the facility is located on a farm operation
29 that provides at least one-quarter of the farm crops processed at the facility,
30 or an establishment for the slaughter, processing or selling of poultry or

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

8 **“(u) A processing facility located on a farm operation, notwith-**
9 **standing any other siting standard adopted by a county under ORS**
10 **chapter 227 or other siting standard under this section or ORS 215.275,**
11 **215.283, 215.448 or 215.705, provided:**

12 **“(A) The facility is for the processing of farm crops, processing,**
13 **slaughtering or selling poultry or poultry products pursuant to ORS**
14 **603.038 or the production of biofuel, as defined in ORS 315.141, and:**

15 **“(i) If a building is established or used for the processing facility,**
16 **no more than 10,000 square feet of floor area is devoted to the pro-**
17 **cessing facility, exclusive of the floor area designated for preparation,**
18 **storage or other farm use; and**

19 **“(ii) The farm operation on which the facility is located provides**
20 **at least one-quarter of the farm products processed at that facility;**
21 **or**

22 **“(B) The facility is for the processing of farm crops, and:**

23 **“(i) If a building is established or used for the processing facility,**
24 **no more than 2,500 square feet of floor area is devoted to the process-**
25 **ing facility, exclusive of the floor area designated for preparation,**
26 **storage or other farm use; and**

27 **“(ii) The farm operation on which the facility is located provides**
28 **at least one-half of the farm crops processed at the facility.**

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

30 **“(w) Irrigation reservoirs, canals, delivery lines and those structures and**

1 accessory operational facilities, not including parks or other recreational
2 structures and facilities, associated with a district as defined in ORS 540.505.

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

7 “(A) A public right of way;

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

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

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

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

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

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

1 or fewer trials per calendar year.

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

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

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

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

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

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

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

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

24 “(c) Commercial activities that are in conjunction with farm use, includ-
25 ing the processing of farm crops into biofuel not permitted under ORS
26 215.203 (2)(b)(K) or subsection (1)(u) of this section.

27 “(d) Operations conducted for:

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

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

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

5 “(D) Processing of other mineral resources and other subsurface re-
6 sources.

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

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

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

29 “(h) Personal-use airports for airplanes and helicopter pads, including
30 associated hangar, maintenance and service facilities. A personal-use airport

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

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

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

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

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

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

29 “(m) The propagation, cultivation, maintenance and harvesting of aquatic
30 species that are not under the jurisdiction of the State Fish and Wildlife

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

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

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

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

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

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

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

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

25 “(u) A living history museum related to resource based activities owned
26 and operated by a governmental agency or a local historical society, together
27 with limited commercial activities and facilities that are directly related to
28 the use and enjoyment of the museum and located within authentic buildings
29 of the depicted historic period or the museum administration building, if
30 areas other than an exclusive farm use zone cannot accommodate the mu-

1 seum and related activities or if the museum administration buildings and
2 parking lot are located within one quarter mile of the metropolitan urban
3 growth boundary. As used in this paragraph:

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

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

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

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

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

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

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

1 showing all of the following:

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

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

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

12 “(4) In counties that have adopted marginal lands provisions under ORS
13 197.247 (1991 Edition), one single-family dwelling, not provided in conjunc-
14 tion with farm use, may be established in any area zoned for exclusive farm
15 use on a lot or parcel described in subsection (7) of this section that is not
16 larger than three acres upon written findings showing:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 “(F) The agri-tourism or other commercial event or activity occurs out-

1 doors, in temporary structures, or in existing permitted structures, subject
2 to health and fire and life safety requirements; and

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

5 “(i) Planned hours of operation;

6 “(ii) Access, egress and parking;

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

9 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

15 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

1 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

25 “(a) A county may authorize the use of temporary structures established
26 in connection with the agri-tourism or other commercial events or activities
27 authorized under subsection (11) of this section. However, the temporary
28 structures must be removed at the end of the agri-tourism or other event or
29 activity. The county may not approve an alteration to the land in connection
30 with an agri-tourism or other commercial event or activity authorized under

1 subsection (11) of this section, including, but not limited to, grading, filling
2 or paving.

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

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

14 **“SECTION 6.** ORS 215.213, as amended by section 7, chapter 462, Oregon
15 Laws 2013, section 2, chapter 148, Oregon Laws 2017, section 4, chapter 253,
16 Oregon Laws 2017, and section 4, chapter 504, Oregon Laws 2017, is amended
17 to read:

18 “215.213. (1) In counties that have adopted marginal lands provisions un-
19 der ORS 197.247 (1991 Edition), the following uses may be established in any
20 area zoned for exclusive farm use:

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

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

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

28 “(A) ORS 215.275; or

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

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

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

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

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

27 “(h) Operations for the exploration for minerals as defined by ORS
28 517.750. Any activities or construction relating to such operations shall not
29 be a basis for an exception under ORS 197.732 (2)(a) or (b).

30 “(i) One manufactured dwelling or recreational vehicle, or the temporary

1 residential use of an existing building, in conjunction with an existing
2 dwelling as a temporary use for the term of a hardship suffered by the ex-
3 isting resident or a relative of the resident. Within three months of the end
4 of the hardship, the manufactured dwelling or recreational vehicle shall be
5 removed or demolished or, in the case of an existing building, the building
6 shall be removed, demolished or returned to an allowed nonresidential use.
7 The governing body or its designee shall provide for periodic review of the
8 hardship claimed under this paragraph. A temporary residence approved un-
9 der this paragraph is not eligible for replacement under paragraph (q) of this
10 subsection.

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

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

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

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

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

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

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

30 “(q) Alteration, restoration or replacement of a lawfully established

1 dwelling that:

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

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

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

6 “(D) Has a heating system; and

7 “(E) In the case of replacement:

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

27 “(ii) For which the applicant has requested a deferred replacement permit,
28 is removed or demolished within three months after the deferred replacement
29 permit is issued. A deferred replacement permit allows construction of the
30 replacement dwelling at any time. If, however, the established dwelling is

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

8 “(r) Farm stands if:

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

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

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

23 “(t) A site for the takeoff and landing of model aircraft, including such
24 buildings or facilities as may reasonably be necessary. Buildings or facilities
25 shall not be more than 500 square feet in floor area or placed on a permanent
26 foundation unless the building or facility preexisted the use approved under
27 this paragraph. The site shall not include an aggregate surface or hard sur-
28 face area unless the surface preexisted the use approved under this para-
29 graph. An owner of property used for the purpose authorized in this
30 paragraph may charge a person operating the use on the property rent for

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

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

18 **“(u) A processing facility located on a farm operation, notwith-**
19 **standing any other siting standard adopted by a county under ORS**
20 **chapter 227 or other siting standard under this section or ORS 215.275,**
21 **215.283, 215.448 or 215.705, provided:**

22 **“(A) The facility is for the processing of farm crops, processing,**
23 **slaughtering or selling poultry or poultry products pursuant to ORS**
24 **603.038 or the production of biofuel, as defined in ORS 315.141, and:**

25 **“(i) If a building is established or used for the processing facility,**
26 **no more than 10,000 square feet of floor area is devoted to the pro-**
27 **cessing facility, exclusive of the floor area designated for preparation,**
28 **storage or other farm use; and**

29 **“(ii) The farm operation on which the facility is located provides**
30 **at least one-quarter of the farm products processed at that facility;**

1 **or**

2 **“(B) The facility is for the processing of farm crops, and:**

3 **“(i) If a building is established or used for the processing facility,**
4 **no more than 2,500 square feet of floor area is devoted to the process-**
5 **ing facility, exclusive of the floor area designated for preparation,**
6 **storage or other farm use; and**

7 **“(ii) The farm operation on which the facility is located provides**
8 **at least one-half of the farm crops processed at the facility.**

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

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

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

17 **“(A) A public right of way;**

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

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

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

1 facilities that are portable, temporary and transportable by truck trailer, as
2 defined in ORS 801.580, during a period of time within which land applica-
3 tion of biosolids is authorized under the license, permit or other approval.

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

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

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

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

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

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

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

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

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

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

1 annual gross farm income; or

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

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

7 “(d) Operations conducted for:

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

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

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

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

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

1 cloth or canvas on a collapsible frame with no plumbing, sewage disposal
2 hookup or internal cooking appliance.

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

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

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

21 “(i) 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 “(j) 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 “(k)(A) Commercial dog boarding kennels; or

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

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

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

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

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

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

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

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

30 “(s) A destination resort that is approved consistent with the require-

1 ments of any statewide planning goal relating to the siting of a destination
2 resort.

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

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

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

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

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

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

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

30 “(y) Public or private schools for kindergarten through grade 12, includ-

1 ing all buildings essential to the operation of a school, primarily for resi-
2 dents of the rural area in which the school is located.

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

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

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

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

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

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

30 “(b) If the lot or parcel is located within the Willamette River Greenway,

1 a floodplain or a geological hazard area, the dwelling complies with condi-
2 tions imposed by local ordinances relating specifically to the Willamette
3 River Greenway, floodplains or geological hazard areas, whichever is appli-
4 cable; and

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

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

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

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

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

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

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

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

30 “(B) On July 1, 1983, greater than possessory interests are held in those

1 contiguous lots, parcels or lots and parcels by the same person, spouses or
2 a single partnership or business entity, separately or in tenancy in common.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(i) Planned hours of operation;

16 “(ii) Access, egress and parking;

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

19 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

25 “(D) Must comply with ORS 215.296;

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

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

30 “(i) The types of agri-tourism or other commercial events or activities

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

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

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

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

11 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

24 **“SECTION 7.** ORS 215.283 is amended to read:

25 “215.283. (1) The following uses may be established in any area zoned for
26 exclusive farm use:

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

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

29 “(c) Utility facilities necessary for public service, including wetland waste
30 treatment systems but not including commercial facilities for the purpose of

1 generating electrical power for public use by sale or transmission towers
2 over 200 feet in height. A utility facility necessary for public service may
3 be established as provided in:

4 “(A) ORS 215.275; or

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

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

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

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

28 “(g) Operations for the exploration for minerals as defined by ORS
29 517.750. Any activities or construction relating to such operations shall not
30 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

20 “(o) Farm stands if:

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

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

1 entertainment.

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

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

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

29 “**(r) A processing facility located on a farm operation, notwith-**
30 **standing any other siting standard adopted by a county under ORS**

1 **chapter 227 or other siting standard under this section or ORS 215.213,**
2 **215.275, 215.448 or 215.705, provided:**

3 **“(A) The facility is for the processing of farm crops, processing,**
4 **slaughtering or selling poultry or poultry products pursuant to ORS**
5 **603.038 or the production of biofuel, as defined in ORS 315.141, and:**

6 **“(i) If a building is established or used for the processing facility,**
7 **no more than 10,000 square feet of floor area is devoted to the pro-**
8 **cessing facility, exclusive of the floor area designated for preparation,**
9 **storage or other farm use; and**

10 **“(ii) The farm operation on which the facility is located provides**
11 **at least one-quarter of the farm products processed at that facility;**
12 **or**

13 **“(B) The facility is for the processing of farm crops, and:**

14 **“(i) If a building is established or used for the processing facility,**
15 **no more than 2,500 square feet of floor area is devoted to the process-**
16 **ing facility, exclusive of the floor area designated for preparation,**
17 **storage or other farm use; and**

18 **“(ii) The farm operation on which the facility is located provides**
19 **at least one-half of the farm crops processed at the facility.**

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

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

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

28 **“(A) A public right of way;**

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

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

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

15 “(w) A county law enforcement facility that lawfully existed on August
16 20, 2002, and is used to provide rural law enforcement services primarily in
17 rural areas, including parole and post-prison supervision, but not including
18 a correctional facility as defined under ORS 162.135.

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

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

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

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

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

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

4 “(b) Operations conducted for:

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

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

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

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

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

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

29 “(e) Community centers owned by a governmental agency or a nonprofit
30 community organization and operated primarily by and for residents of the

1 local rural community. A community center authorized under this paragraph
2 may provide services to veterans, including but not limited to emergency and
3 transitional shelter, preparation and service of meals, vocational and educa-
4 tional counseling and referral to local, state or federal agencies providing
5 medical, mental health, disability income replacement and substance abuse
6 services, only in a facility that is in existence on January 1, 2006. The ser-
7 vices may not include direct delivery of medical, mental health, disability
8 income replacement or substance abuse services.

9 “(f) Golf courses on land:

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

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

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

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

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

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

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

1 tinue to be permitted subject to any applicable rules of the Oregon Depart-
2 ment of Aviation.

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

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

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

18 “(L) 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 subsection (1)(p) of
28 this section.

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

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

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

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

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

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

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

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

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

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

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

29 “(w) Expansion of existing county fairgrounds and activities directly re-
30 lating to county fairgrounds governed by county fair boards established

1 pursuant to ORS 565.210.

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

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

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

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

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

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

28 “(3) Roads, highways and other transportation facilities and improvements
29 not allowed under subsections (1) and (2) of this section may be established,
30 subject to the approval of the governing body or its designee, in areas zoned

1 for exclusive farm use subject to:

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

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

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

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

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

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

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

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

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

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

30 “(G) The agri-tourism or other commercial event or activity complies with

1 conditions established for:

2 “(i) Planned hours of operation;

3 “(ii) Access, egress and parking;

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

6 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

30 “(c) In the alternative to paragraphs (a) and (b) of this subsection, a

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

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

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

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

12 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

28 “(v) Sanitation and solid waste.

29 “(d) In addition to paragraphs (a) to (c) of this subsection, a county may
30 authorize agri-tourism or other commercial events or activities that occur

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

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

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

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

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

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

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

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

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

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

30 “(b) The county may issue the limited use permits authorized by sub-

1 section (4)(c) of this section for two calendar years. When considering an
2 application for renewal, the county shall ensure compliance with the pro-
3 visions of subsection (4)(c) of this section, any local standards that apply and
4 conditions that apply to the permit or to the agri-tourism or other commer-
5 cial events or activities authorized by the permit.

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

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

15 “215.283. (1) The following uses may be established in any area zoned for
16 exclusive farm use:

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

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

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

24 “(A) ORS 215.275; or

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

27 “(d) A dwelling on real property used for farm use if the dwelling is oc-
28 cupied by a relative of the farm operator or the farm operator’s spouse,
29 which means a child, parent, stepparent, grandchild, grandparent,
30 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,

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

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

12 “(f) Operations for the exploration for and production of geothermal re-
13 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,
14 including the placement and operation of compressors, separators and other
15 customary production equipment for an individual well adjacent to the
16 wellhead. 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 “(g) Operations for the exploration for minerals as defined by ORS
19 517.750. Any activities or construction relating to such operations shall not
20 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

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

30 “(k) Minor betterment of existing public road and highway related facili-

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

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

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

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

10 “(o) Farm stands if:

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

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

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

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

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

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

28 “(D) Has a heating system; and

29 “(E) In the case of replacement:

30 “(i) Is removed, demolished or converted to an allowable nonresidential

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

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

30 “(q) A site for the takeoff and landing of model aircraft, including such

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

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

25 **“(r) A processing facility located on a farm operation, notwith-**
26 **standing any other siting standard adopted by a county under ORS**
27 **chapter 227 or other siting standard under this section or ORS 215.213,**
28 **215.275, 215.448 or 215.705, provided:**

29 **“(A) The facility is for the processing of farm crops, processing,**
30 **slaughtering or selling poultry or poultry products pursuant to ORS**

1 **603.038 or the production of biofuel, as defined in ORS 315.141, and:**

2 **“(i) If a building is established or used for the processing facility,**
3 **no more than 10,000 square feet of floor area is devoted to the pro-**
4 **cessing facility, exclusive of the floor area designated for preparation,**
5 **storage or other farm use; and**

6 **“(ii) The farm operation on which the facility is located provides**
7 **at least one-quarter of the farm products processed at that facility;**
8 **or**

9 **“(B) The facility is for the processing of farm crops, and:**

10 **“(i) If a building is established or used for the processing facility,**
11 **no more than 2,500 square feet of floor area is devoted to the process-**
12 **ing facility, exclusive of the floor area designated for preparation,**
13 **storage or other farm use; and**

14 **“(ii) The farm operation on which the facility is located provides**
15 **at least one-half of the farm crops processed at the facility.**

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

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

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

24 **“(A) A public right of way;**

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

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

28 **“(v) Subject to the issuance of a license, permit or other approval by the**
29 **Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,**
30 **468B.053 or 468B.055, or in compliance with rules adopted under ORS**

1 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
2 reclaimed water, agricultural or industrial process water or biosolids, or the
3 onsite treatment of septage prior to the land application of biosolids, for
4 agricultural, horticultural or silvicultural production, or for irrigation in
5 connection with a use allowed in an exclusive farm use zone under this
6 chapter. For the purposes of this paragraph, onsite treatment of septage prior
7 to the land application of biosolids is limited to treatment using treatment
8 facilities that are portable, temporary and transportable by truck trailer, as
9 defined in ORS 801.580, during a period of time within which land applica-
10 tion of biosolids is authorized under the license, permit or other approval.

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

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

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

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

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

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

27 “(a) Commercial activities that are in conjunction with farm use, includ-
28 ing the processing of farm crops into biofuel not permitted under ORS
29 215.203 (2)(b)(K) or subsection (1)(r) of this section.

30 “(b) Operations conducted for:

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

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

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

8 “(D) Processing of other mineral resources and other subsurface re-
9 sources.

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

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

25 “(e) Community centers owned by a governmental agency or a nonprofit
26 community organization and operated primarily by and for residents of the
27 local rural community. A community center authorized under this paragraph
28 may provide services to veterans, including but not limited to emergency and
29 transitional shelter, preparation and service of meals, vocational and educa-
30 tional counseling and referral to local, state or federal agencies providing

1 medical, mental health, disability income replacement and substance abuse
2 services, only in a facility that is in existence on January 1, 2006. The ser-
3 vices may not include direct delivery of medical, mental health, disability
4 income replacement or substance abuse services.

5 “(f) Golf courses on land:

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

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

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

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

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

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

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

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

30 “(j) A facility for the primary processing of forest products, provided that

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

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

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

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

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

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

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

30 “(p) The propagation, cultivation, maintenance and harvesting of aquatic

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

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

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

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

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

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

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

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

28 “(x) A living history museum related to resource based activities owned
29 and operated by a governmental agency or a local historical society, together
30 with limited commercial activities and facilities that are directly related to

1 the use and enjoyment of the museum and located within authentic buildings
2 of the depicted historic period or the museum administration building, if
3 areas other than an exclusive farm use zone cannot accommodate the mu-
4 seum and related activities or if the museum administration buildings and
5 parking lot are located within one quarter mile of an urban growth bound-
6 ary. As used in this paragraph:

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

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

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

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

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

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 9.** ORS 455.315 is amended to read:

8 “455.315. (1) The provisions of this chapter do not authorize the applica-
9 tion of a state structural specialty code to any agricultural building, agri-
10 cultural grading or equine facility.

11 “(2) As used in this section:

12 “(a) ‘Agricultural building’ means a structure located on a farm or forest
13 operation and used for:

14 “(A) Storage, maintenance or repair of farm or forestry machinery and
15 equipment;

16 “(B) The raising, harvesting and selling of crops or forest products;

17 “(C) The feeding, breeding, management and sale of, or the produce of,
18 livestock, poultry, fur-bearing animals or honeybees;

19 “(D) Dairying and the sale of dairy products; [*or*]

20 **“(E) A processing facility to which less than 2,500 square feet of**
21 **floor area is devoted as authorized by ORS 215.213 (1)(u) or 215.283**
22 **(1)(r); or**

23 “[*E*] (F) Any other agricultural, forestry or horticultural use or animal
24 husbandry, or any combination thereof, including the preparation and stor-
25 age of the produce raised on the farm for human use and animal use, the
26 preparation and storage of forest products and the disposal, by marketing or
27 otherwise, of farm produce or forest products.

28 “(b) ‘Agricultural building’ does not mean:

29 “(A) A dwelling;

30 “(B) A structure used for a purpose other than growing plants in which

1 10 or more persons are present at any one time;

2 “(C) A structure regulated by the State Fire Marshal pursuant to ORS
3 chapter 476;

4 “(D) A structure used by the public; or

5 “(E) A structure subject to sections 4001 to 4127, title 42, United States
6 Code (the National Flood Insurance Act of 1968) as amended, and regulations
7 promulgated thereunder.

8 “(c) ‘Agricultural grading’ means grading related to a farming practice
9 as defined in ORS 30.930.

10 “(d) ‘Equine facility’ means a building located on a farm and used by the
11 farm owner or the public for:

12 “(A) Stabling or training equines; or

13 “(B) Riding lessons and training clinics.

14 “(e) ‘Equine facility’ does not mean:

15 “(A) A dwelling;

16 “(B) A structure in which more than 10 persons are present at any one
17 time;

18 “(C) A structure regulated by the State Fire Marshal pursuant to ORS
19 chapter 476; or

20 “(D) A structure subject to sections 4001 to 4127, title 42, United States
21 Code (the National Flood Insurance Act of 1968) as amended, and regulations
22 promulgated thereunder.

23 “(3) Notwithstanding the provisions of subsection (1) of this section, in-
24 corporated cities may regulate agricultural buildings and equine facilities
25 within their boundaries pursuant to this chapter.”.

26 On line 26, delete “5” and insert “10”.

27
