

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2329

By JOINT COMMITTEE ON WAYS AND MEANS

June 19

1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” insert “215.213, 215.283.”

2 On page 7, delete lines 38 through 45 and delete pages 8 through 10 and insert:

3 “(8)(a) If the developer of a facility elects, or the governing body of the local government after
4 consulting with the developer elects, to defer regulatory authority to the Energy Facility Siting
5 Council, the developer of a facility shall obtain a site certificate, in the manner provided in ORS
6 469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992, for a facility that, notwithstanding the
7 definition of ‘energy facility’ in ORS 469.300, is:

8 “(A) An electric power generating plant with an average electric generating capacity of less
9 than 50 megawatts produced from wind energy at a single energy facility or within a single energy
10 generation area;

11 “(B) An associated transmission line; or

12 “(C) A solar photovoltaic power generation facility that is not an energy facility as defined in
13 ORS 469.300 (11)(a)(D).

14 “(b) An election by a developer or a local government under this subsection is final.

15 “(c) An election by a local government under this subsection is not a land use decision as de-
16 fined in ORS 197.015.

17 “(d) A local government may not make an election under this subsection after a permit appli-
18 cation has been submitted under ORS 215.416 or 227.175.

19 “**SECTION 3. Section 4 of this 2019 Act is added to and made a part of ORS chapter 215.**

20 “**SECTION 4. (1) As used in this section:**

21 “(a) ‘**Renewable energy facility**’ means an electric power generating plant that generates
22 electricity from a renewable energy source.

23 “(b) ‘**Renewable energy facility**’ does not mean:

24 “(A) An energy facility as defined in ORS 469.300;

25 “(B) A solar photovoltaic power generation facility using:

26 “(i) 100 acres or less located on high-value farmland as defined in ORS 195.300;

27 “(ii) 100 acres or less located on land that is predominantly cultivated or that, if not
28 cultivated, is predominantly composed of soils that are in capability classes I to IV, as
29 specified by the National Cooperative Soil Survey operated by the Natural Resources Con-
30 servation Service of the United States Department of Agriculture; or

31 “(iii) 320 acres or less located on any other land;

32 “(C) A net metering facility as defined in ORS 757.300; or

33 “(D) A community solar project as defined in ORS 757.386.

34 “(2) An application for a land use permit to establish a renewable energy facility must
35 be made under ORS 215.416. An applicant must demonstrate to the satisfaction of the county

1 that the renewable energy facility meets the standards under subsection (3) of this section.

2 “(3) In order to issue a permit, the county shall require that the applicant:

3 “(a)(A) Consult with the State Department of Fish and Wildlife, prior to submitting a
4 final application to the county, regarding fish and wildlife habitat impacts and any mitigation
5 plan that is necessary;

6 “(B) Conduct a habitat assessment of the proposed development site;

7 “(C) Develop a mitigation plan to address significant fish and wildlife habitat impacts
8 consistent with the administrative rules adopted by the State Fish and Wildlife Commission
9 for the purposes of implementing ORS 496.012; and

10 “(D) Follow administrative rules adopted by the State Fish and Wildlife Commission and
11 rules adopted by the Land Conservation and Development Commission to implement the
12 Oregon Sage-Grouse Action Plan and Executive Order 15-18.

13 “(b) Demonstrate that the construction and operation of the renewable energy facility,
14 taking into account mitigation, will not result in significant adverse impacts to historic,
15 cultural and archaeological resources that are:

16 “(A) Listed on the National Register of Historic Places under the National Historic
17 Preservation Act (P.L. 89-665, 54 U.S.C. 300101 et seq.);

18 “(B) Inventoried in a local comprehensive plan; or

19 “(C) Evaluated as a significant or important archaeological object or archaeological site,
20 as those terms are defined in ORS 358.905.

21 “(c) Demonstrate that the site for a renewable energy facility, taking into account miti-
22 gation, can be restored adequately to a useful, nonhazardous condition following permanent
23 cessation of construction or operation of the facility and that the applicant has a reasonable
24 likelihood of obtaining financial assurances in a form and amount satisfactory to the county
25 to secure restoration of the site to a useful, nonhazardous condition.

26 “(d) Meet the general and specific standards for a renewable energy facility adopted by
27 the Energy Facility Siting Council under ORS 469.470 (2) and 469.501 that the county deter-
28 mines are applicable.

29 “(e) Provide the financial assurances described in paragraph (c) of this subsection in the
30 form and at the time specified by the county.

31 “(4) Upon receipt of a reasonable cost estimate from the state agency or tribe, the ap-
32 plicant and county may jointly enter into a cost reimbursement agreement administered by
33 the county with:

34 “(a) The State Department of Fish and Wildlife to receive comments under subsection
35 (3)(a) of this section.

36 “(b) The State Historic Preservation Officer or any affected federally recognized Indian
37 tribe to receive comments under subsection (3)(b) of this section.

38 “(c) The State Department of Energy to receive comments under subsection (3)(c) and
39 (d) of this section as well as comments regarding other matters as the county may require.

40 “(5) A county that receives an application for a permit under this section shall, upon
41 receipt of the application, provide notice to persons listed in subsection (6) of this section.
42 The notice must include, at a minimum:

43 “(a) A description of the proposed renewable energy facility;

44 “(b) A description of the lots or parcels subject to the permit application;

45 “(c) The dates, times and locations where public comments or public testimony on the

1 **permit application can be submitted; and**

2 **“(d) The contact information for the governing body of the county and the applicant.**

3 **“(6) The notice required under subsection (5) of this section must be delivered to:**

4 **“(a) The State Department of Fish and Wildlife;**

5 **“(b) The State Department of Energy;**

6 **“(c) The State Historic Preservation Officer;**

7 **“(d) The Oregon Department of Aviation;**

8 **“(e) The United States Department of Defense; and**

9 **“(f) Federally recognized Indian tribes that may be affected by the application.**

10 **“SECTION 5.** ORS 215.213, as amended by section 1, chapter 119, Oregon Laws 2018, is
11 amended to read:

12 “215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
13 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

20 “(A) ORS 215.275; or

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

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

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

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

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

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

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

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

10 “(k) Reconstruction or modification of public roads and highways, including the placement of
11 utility facilities overhead and in the subsurface of public roads and highways along the public right
12 of way, but not including 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 and restored to original
15 condition or use at such time as no longer needed.

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

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

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

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

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

26 “(r) Farm stands if:

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

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

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

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

1 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, 'model
2 aircraft' means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
3 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
4 ground.

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

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

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

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

21 "(A) A public right of way;

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

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

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

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

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

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

41 "(aa) A cider business, as described in ORS 215.451.

42 "(2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
43 the following uses may be established in any area zoned for exclusive farm use subject to ORS
44 215.296:

45 "(a) A primary dwelling in conjunction with farm use or the propagation or harvesting of a

1 forest product on a lot or parcel that is managed as part of a farm operation or woodlot if the farm
2 operation or woodlot:

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

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

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

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

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

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

18 “(d) Operations conducted for:

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

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

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

24 “(D) Processing of other mineral resources and other subsurface resources.

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

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

38 “(g) Commercial utility facilities for the purpose of generating power for public use by sale. If
39 the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation
40 facility may be established as a commercial utility facility as provided in ORS 215.447. **A renewable
41 energy facility as defined in section 4 of this 2019 Act may be established as a commercial
42 utility facility.**

43 “(h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
44 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-
45 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional

1 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-
2 erations. No aircraft may be based on a personal-use airport other than those owned or controlled
3 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be
4 granted through waiver action by the Oregon Department of Aviation in specific instances. A
5 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
6 ject to any applicable rules of the Oregon Department of Aviation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(B) ‘Local historical society’ means the local historical society, recognized as such by the
8 county governing body and organized under ORS chapter 65.

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

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

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

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

18 “(z) Equine and equine-affiliated therapeutic and counseling activities, provided:

19 “(A) The activities are conducted in existing buildings that were lawfully constructed on the
20 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate
21 to the farm use on the tract; and

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

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

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

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

38 “(c) Complies with such other conditions as the governing body or its designee considers nec-
39 essary.

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

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

1 use;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 “(a) Adoption of an exception to the goal related to agricultural lands and to any other appli-
42 cable goal with which the facility or improvement does not comply; or

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

45 “(11) The following agri-tourism and other commercial events or activities that are related to

1 and supportive of agriculture may be established in any area zoned for exclusive farm use:

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

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

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

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

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

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

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

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

20 “(i) Planned hours of operation;

21 “(ii) Access, egress and parking;

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

24 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

42 “(c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up
43 to six agri-tourism or other commercial events or activities on a tract in a calendar year by a lim-
44 ited use permit that is personal to the applicant and is not transferred by, or transferable with, a
45 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any

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

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

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

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

6 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

19 “(v) Sanitation and solid waste.

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

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

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

28 “(C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
29 and

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

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

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

36 “(b) Limit its review to events and activities authorized by the permit, conformance with con-
37 ditions of approval required by the permit and the standards established by subsection (11)(d) of this
38 section.

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

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

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

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

10 **“SECTION 6.** ORS 215.213, as amended by section 7, chapter 462, Oregon Laws 2013, section
11 2, chapter 148, Oregon Laws 2017, section 4, chapter 253, Oregon Laws 2017, section 4, chapter 504,
12 Oregon Laws 2017, and section 2, chapter 119, Oregon Laws 2018, is amended to read:

13 “215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
14 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

21 “(A) ORS 215.275; or

22 “(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
23 469.300.

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

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

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

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

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

1 (2)(a) or (b).

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

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

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

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

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

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

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

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

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

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

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

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

30 “(D) Has a heating system; and

31 “(E) In the case of replacement:

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

1 “(ii) For which the applicant has requested a deferred replacement permit, is removed or de-
2 molished within three months after the deferred replacement permit is issued. A deferred replace-
3 ment permit allows construction of the replacement dwelling at any time. If, however, the
4 established dwelling is not removed or demolished within three months after the deferred replace-
5 ment permit is issued, the permit becomes void. The replacement dwelling must comply with appli-
6 cable building codes, plumbing codes, sanitation codes and other requirements relating to health and
7 safety or to siting at the time of construction. A deferred replacement permit may not be trans-
8 ferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

9 “(r) Farm stands if:

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

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

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

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

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

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

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

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

4 “(A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(d) Operations conducted for:
2 “(A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas
3 as defined by ORS 520.005, not otherwise permitted under subsection (1)(g) of this section;
4 “(B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-
5 sources subject to ORS 215.298;
6 “(C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and
7 “(D) Processing of other mineral resources and other subsurface resources.
8 “(e) Community centers owned by a governmental agency or a nonprofit community organization
9 and operated primarily by and for residents of the local rural community, hunting and fishing pre-
10 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the
11 county governing body or its designee, a private campground may provide yurts for overnight
12 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include
13 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
14 Upon request of a county governing body, the Land Conservation and Development Commission may
15 provide by rule for an increase in the number of yurts allowed on all or a portion of the
16 campgrounds in a county if the commission determines that the increase will comply with the stan-
17 dards described in ORS 215.296 (1). A public park or campground may be established as provided
18 under ORS 195.120. As used in this paragraph, ‘yurt’ means a round, domed shelter of cloth or can-
19 vas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.
20 “(f) Golf courses on land determined not to be high-value farmland as defined in ORS 195.300.
21 “(g) Commercial utility facilities for the purpose of generating power for public use by sale. If
22 the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation
23 facility may be established as a commercial utility facility as provided in ORS 215.447. **A renewable**
24 **energy facility as defined in section 4 of this 2019 Act may be established as a commercial**
25 **utility facility.**
26 “(h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
27 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-
28 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional
29 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-
30 erations. No aircraft may be based on a personal-use airport other than those owned or controlled
31 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be
32 granted through waiver action by the Oregon Department of Aviation in specific instances. A
33 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
34 ject to any applicable rules of the Oregon Department of Aviation.
35 “(i) A facility for the primary processing of forest products, provided that such facility is found
36 to not seriously interfere with accepted farming practices and is compatible with farm uses de-
37 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is
38 renewable. These facilities are intended to be only portable or temporary in nature. The primary
39 processing of a forest product, as used in this section, means the use of a portable chipper or stud
40 mill or other similar methods of initial treatment of a forest product in order to enable its shipment
41 to market. Forest products, as used in this section, means timber grown upon a parcel of land or
42 contiguous land where the primary processing facility is located.
43 “(j) A site for the disposal of solid waste approved by the governing body of a city or county
44 or both and for which a permit has been granted under ORS 459.245 by the Department of Envi-
45 ronmental Quality together with equipment, facilities or buildings necessary for its operation.

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

1 “(z) Equine and equine-affiliated therapeutic and counseling activities, provided:

2 “(A) The activities are conducted in existing buildings that were lawfully constructed on the

3 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate

4 to the farm use on the tract; and

5 “(B) All individuals conducting therapeutic or counseling activities are acting within the proper

6 scope of any licenses required by the state.

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

8 a single-family residential dwelling not provided in conjunction with farm use may be established

9 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by

10 the Agricultural Capability Classification System in use by the United States Department of Agri-

11 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval

12 of the governing body or its designee in any area zoned for exclusive farm use upon written findings

13 showing all of the following:

14 “(a) The dwelling or activities associated with the dwelling will not force a significant change

15 in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm

16 use.

17 “(b) The dwelling is situated upon generally unsuitable land for the production of farm crops

18 and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, lo-

19 cation and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its

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

21 “(c) Complies with such other conditions as the governing body or its designee considers nec-

22 essary.

23 “(4) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),

24 one single-family dwelling, not provided in conjunction with farm use, may be established in any

25 area zoned for exclusive farm use on a lot or parcel described in subsection (7) of this section that

26 is not larger than three acres upon written findings showing:

27 “(a) The dwelling or activities associated with the dwelling will not force a significant change

28 in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm

29 use;

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

31 geological hazard area, the dwelling complies with conditions imposed by local ordinances relating

32 specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is

33 applicable; and

34 “(c) The dwelling complies with other conditions considered necessary by the governing body

35 or its designee.

36 “(5) Upon receipt of an application for a permit under subsection (4) of this section, the gov-

37 erning body shall notify:

38 “(a) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be

39 established; and

40 “(b) Persons who have requested notice of such applications and who have paid a reasonable fee

41 imposed by the county to cover the cost of such notice.

42 “(6) The notice required in subsection (5) of this section shall specify that persons have 15 days

43 following the date of postmark of the notice to file a written objection on the grounds only that the

44 dwelling or activities associated with it would force a significant change in or significantly increase

45 the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is re-

1 ceived, the governing body or its designee shall approve or disapprove the application. If an ob-
2 jection is received, the governing body shall set the matter for hearing in the manner prescribed in
3 ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required
4 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of
5 this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(i) Planned hours of operation;

4 “(ii) Access, egress and parking;

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

7 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

34 “(D) Must comply with ORS 215.296;

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

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

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

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

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

45 “(iv) Traffic management, including the projected number of vehicles and any anticipated use

1 of public roads; and
2 “(v) Sanitation and solid waste.
3 “(d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
4 or other commercial events or activities that occur more frequently or for a longer period or that
5 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
6 commercial events or activities comply with any local standards that apply and the agri-tourism or
7 other commercial events or activities:
8 “(A) Are incidental and subordinate to existing commercial farm use of the tract and are nec-
9 essary to support the commercial farm uses or the commercial agricultural enterprises in the area;
10 “(B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
11 “(C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
12 and
13 “(D) Do not exceed 18 events or activities in a calendar year.
14 “(12) A holder of a permit authorized by a county under subsection (11)(d) of this section must
15 request review of the permit at four-year intervals. Upon receipt of a request for review, the county
16 shall:
17 “(a) Provide public notice and an opportunity for public comment as part of the review process;
18 and
19 “(b) Limit its review to events and activities authorized by the permit, conformance with con-
20 ditions of approval required by the permit and the standards established by subsection (11)(d) of this
21 section.
22 “(13) For the purposes of subsection (11) of this section:
23 “(a) A county may authorize the use of temporary structures established in connection with the
24 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-
25 tion. However, the temporary structures must be removed at the end of the agri-tourism or other
26 event or activity. The county may not approve an alteration to the land in connection with an
27 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,
28 including, but not limited to, grading, filling or paving.
29 “(b) The county may issue the limited use permits authorized by subsection (11)(c) of this section
30 for two calendar years. When considering an application for renewal, the county shall ensure com-
31 pliance with the provisions of subsection (11)(c) of this section, any local standards that apply and
32 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
33 authorized by the permit.
34 “(c) The authorizations provided by subsection (11) of this section are in addition to other au-
35 thorizations that may be provided by law, except that ‘outdoor mass gathering’ and ‘other
36 gathering,’ as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other
37 commercial events and activities.
38 “**SECTION 7.** ORS 215.283, as amended by section 3, chapter 119, Oregon Laws 2018, is
39 amended to read:
40 “215.283. (1) The following uses may be established in any area zoned for exclusive farm use:
41 “(a) Churches and cemeteries in conjunction with churches.
42 “(b) The propagation or harvesting of a forest product.
43 “(c) Utility facilities necessary for public service, including wetland waste treatment systems
44 but not including commercial facilities for the purpose of generating electrical power for public use
45 by sale or transmission towers over 200 feet in height. A utility facility necessary for public service

1 may be established as provided in:

2 “(A) ORS 215.275; or

3 “(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
4 469.300.

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

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

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

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

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

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

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

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

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

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

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

40 “(o) Farm stands if:

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

1 and

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

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

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

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

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

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

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

34 “(A) A public right of way;

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

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

38 “(v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
39 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
40 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
41 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of
42 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-
43 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this
44 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application
45 of biosolids is limited to treatment using treatment facilities that are portable, temporary and

1 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land
2 application of biosolids is authorized under the license, permit or other approval.

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

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

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

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

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

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

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

17 “(b) Operations conducted for:

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

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

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

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

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

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

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

44 “(f) Golf courses on land:

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

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

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

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

4 “(iii) Is west of U.S. Highway 101.

5 “(g) Commercial utility facilities for the purpose of generating power for public use by sale. If
6 the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation
7 facility may be established as a commercial utility facility as provided in ORS 215.447. **A renewable
8 energy facility as defined in section 4 of this 2019 Act may be established as a commercial
9 utility facility.**

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

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

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

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

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

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

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

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

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

44 “(p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
45 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 “(bb) Equine and equine-affiliated therapeutic and counseling activities, provided:

42 “(A) The activities are conducted in existing buildings that were lawfully constructed on the
43 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate
44 to the farm use on the tract; and

45 “(B) All individuals conducting therapeutic or counseling activities are acting within the proper

1 scope of any licenses required by the state.

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

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

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

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

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

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

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

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

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

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

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

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

29 “(i) Planned hours of operation;

30 “(ii) Access, egress and parking;

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

33 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

15 “(D) Must comply with ORS 215.296;

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

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

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

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

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

26 “(iv) Traffic management, including the projected number of vehicles and any anticipated use
27 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 authorize agri-tourism
30 or other commercial events or activities that occur more frequently or for a longer period or that
31 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
32 commercial events or activities comply with any local standards that apply and the agri-tourism or
33 other commercial events or activities:

34 “(A) Are incidental and subordinate to existing commercial farm use of the tract and are nec-
35 essary to support the commercial farm uses or the commercial agricultural enterprises in the area;

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

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

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

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

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

45 “(b) Limit its review to events and activities authorized by the permit, conformance with con-

1 ditions of approval required by the permit and the standards established by subsection (4)(d) of this
2 section.

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

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

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

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

19 “**SECTION 8.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, section
20 4, chapter 148, Oregon Laws 2017, section 6, chapter 253, Oregon Laws 2017, section 2, chapter 393,
21 Oregon Laws 2017, section 6, chapter 504, Oregon Laws 2017, and section 4, chapter 119, Oregon
22 Laws 2018, is amended to read:

23 “215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

30 “(A) ORS 215.275; or

31 “(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
32 469.300.

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

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

45 “(f) Operations for the exploration for and production of geothermal resources as defined by

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

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

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

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

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

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

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

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

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

23 “(o) Farm stands if:

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

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

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

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

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

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

38 “(D) Has a heating system; and

39 “(E) In the case of replacement:

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

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

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

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

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

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

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

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

44 “(A) A public right of way;

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

1 adjacent property owners has been obtained; or
2 “(C) The property to be served by the utility.
3 “(v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
4 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
5 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
6 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of
7 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-
8 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this
9 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application
10 of biosolids is limited to treatment using treatment facilities that are portable, temporary and
11 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land
12 application of biosolids is authorized under the license, permit or other approval.
13 “(w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to
14 provide rural law enforcement services primarily in rural areas, including parole and post-prison
15 supervision, but not including a correctional facility as defined under ORS 162.135.
16 “(x) Dog training classes or testing trials, which may be conducted outdoors or in preexisting
17 farm buildings, when:
18 “(A) The number of dogs participating in training does not exceed 10 dogs per training class and
19 the number of training classes to be held on-site does not exceed six per day; and
20 “(B) The number of dogs participating in a testing trial does not exceed 60 and the number of
21 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.
22 “(y) A cider business, as described in ORS 215.451.
23 “(2) The following nonfarm uses may be established, subject to the approval of the governing
24 body or its designee in any area zoned for exclusive farm use subject to ORS 215.296:
25 “(a) Commercial activities that are in conjunction with farm use, including the processing of
26 farm crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or subsection (1)(r) of this section.
27 “(b) Operations conducted for:
28 “(A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas
29 as defined by ORS 520.005 not otherwise permitted under subsection (1)(f) of this section;
30 “(B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-
31 sources subject to ORS 215.298;
32 “(C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and
33 “(D) Processing of other mineral resources and other subsurface resources.
34 “(c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the
35 approval of the county governing body or its designee, a private campground may provide yurts for
36 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,
37 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent
38 foundation. Upon request of a county governing body, the Land Conservation and Development
39 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion
40 of the campgrounds in a county if the commission determines that the increase will comply with the
41 standards described in ORS 215.296 (1). As used in this paragraph, ‘yurt’ means a round, domed
42 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or
43 internal cooking appliance.
44 “(d) Parks and playgrounds. A public park may be established consistent with the provisions of
45 ORS 195.120.

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

9 “(f) Golf courses on land:

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

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

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

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

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

15 “(g) Commercial utility facilities for the purpose of generating power for public use by sale. If
16 the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation
17 facility may be established as a commercial utility facility as provided in ORS 215.447. **A renewable**
18 **energy facility as defined in section 4 of this 2019 Act may be established as a commercial**
19 **utility facility.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 “(bb) Equine and equine-affiliated therapeutic and counseling activities, provided:

7 “(A) The activities are conducted in existing buildings that were lawfully constructed on the
8 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate
9 to the farm use on the tract; and

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

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

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

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

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

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

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

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

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

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

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

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

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

39 “(i) Planned hours of operation;

40 “(ii) Access, egress and parking;

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

43 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

38 “(v) Sanitation and solid waste.

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

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

1 “(B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
2 “(C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
3 and
4 “(D) Do not exceed 18 events or activities in a calendar year.
5 “(5) A holder of a permit authorized by a county under subsection (4)(d) of this section must
6 request review of the permit at four-year intervals. Upon receipt of a request for review, the county
7 shall:
8 “(a) Provide public notice and an opportunity for public comment as part of the review process;
9 and
10 “(b) Limit its review to events and activities authorized by the permit, conformance with con-
11 ditions of approval required by the permit and the standards established by subsection (4)(d) of this
12 section.
13 “(6) For the purposes of subsection (4) of this section:
14 “(a) A county may authorize the use of temporary structures established in connection with the
15 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.
16 However, the temporary structures must be removed at the end of the agri-tourism or other event
17 or activity. The county may not approve an alteration to the land in connection with an agri-tourism
18 or other commercial event or activity authorized under subsection (4) of this section, including, but
19 not limited to, grading, filling or paving.
20 “(b) The county may issue the limited use permits authorized by subsection (4)(c) of this section
21 for two calendar years. When considering an application for renewal, the county shall ensure com-
22 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and
23 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
24 authorized by the permit.
25 “(c) The authorizations provided by subsection (4) of this section are in addition to other au-
26 thorizations that may be provided by law, except that ‘outdoor mass gathering’ and ‘other
27 gathering,’ as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other
28 commercial events and activities.”.
29
