

# Senate Bill 286

Sponsored by Senator ROBLAN (at the request of Lincoln County) (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows local body to restrict or condition onsite treatment of septage or land application of reclaimed water or biosolids to protect accepted farming practices on surrounding lands.

## A BILL FOR AN ACT

1  
2 Relating to biosolids; creating new provisions; and amending ORS 215.213, 215.246, 215.249, 215.251,  
3 215.283, 215.304 and 215.451.

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

5 **SECTION 1. ORS 215.246 to 215.251 are added to and made a part of ORS chapter 215.**

6 **SECTION 2. Sections 3 and 4 of this 2019 Act are added to and made a part of ORS 215.246  
7 to 215.251.**

8 **SECTION 3. Onsite treatment of septage authorized under ORS 215.213 (2)(aa) or 215.283  
9 (2)(cc) may be established on land zoned for exclusive farm use, subject to ORS 215.296 and  
10 section 4 of this 2019 Act, provided:**

11 (1) **The use complies with any license, permit or other approval required by the Depart-  
12 ment of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055 or  
13 with rules adopted under ORS 468B.095;**

14 (2) **Any onsite treatment of septage is limited to the use of treatment facilities that are  
15 temporary and transportable by truck trailer, as defined in ORS 801.580; and**

16 (3) **Any onsite treatment of septage occurs on a tract where, and during times when, land  
17 application of the biosolids is authorized under a license, permit or other approval and under  
18 ORS 215.246 to 215.251.**

19 **SECTION 4. A state agency or county may not approve a land use decision under ORS  
20 215.246 or section 3 of this 2019 Act unless it reviews the applicant's written explanation of  
21 the alternatives that were considered and reasons for not using any alternatives. The appli-  
22 cant must consider only those alternatives that are identified in public comments with suf-  
23 ficient specificity to afford the applicant an adequate opportunity to consider the  
24 alternatives. A land use decision may not be reversed or remanded under this section unless  
25 the applicant failed to consider identified alternatives or to explain in writing the reasons for  
26 not using the alternatives.**

27 **SECTION 5. ORS 215.246 is amended to read:**

28 215.246. (1) [*The uses allowed under ORS 215.213 (1)(y) and 215.283 (1)(v):*] **The land application  
29 of reclaimed water, agricultural or industrial process water or biosolids, authorized under  
30 ORS 215.213 (2)(aa) or 215.283 (2)(cc) may be established on land zoned for exclusive farm use,  
31 subject to ORS 215.296 and section 4 of this 2019 Act, provided:**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1       **(a) The use complies with any license, permit or other approval required by the Depart-**  
 2 **ment of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055 or**  
 3 **with rules adopted under ORS 468B.095; and**

4       [(a)] **(b)** [Require a determination by the Department of Environmental Quality, in conjunction with  
 5 the department's review of] **The department, in reviewing** a license, permit or approval, **deter-**  
 6 **mines** that the application rates and site management practices for the land application of [re-  
 7 claimed water, agricultural or industrial process] water or biosolids [ensure continued agricultural,  
 8 horticultural or silvicultural production and] do not reduce the productivity of [the] **farm uses on**  
 9 **the tract.**

10       [(b) Are not subject to other provisions of ORS 215.213 or 215.283 or to the provisions of ORS  
 11 215.274, 215.275 or 215.296.]

12       (2) [The use of] A tract [of land] on which the land application of reclaimed water, agricultural  
 13 or industrial process water or biosolids has occurred [under this section] may [not] be changed to  
 14 allow a different use [unless] **only if:**

15       (a) The tract is included within an acknowledged urban growth boundary;

16       (b) The tract is rezoned to a zone other than an exclusive farm use zone;

17       (c) The different use of the tract is a farm use [as defined in ORS 215.203]; or

18       (d) The different use of the tract is a use allowed under:

19       (A) ORS 215.213 (1)(b), (d) to (f), (i) to (n), (p) to (r), (u), (w) or (x);

20       (B) ORS 215.213 (2)(a) to (c), (i), (m) or (p) to (r);

21       (C) ORS 215.213 (11);

22       (D) ORS 215.283 (1)(b), (d), (e), (h) to (L), (n) to (p), (r), (t) or (u);

23       (E) ORS 215.283 (2)(a), (j), (L) or (p) to (s); or

24       (F) ORS 215.283 (4).

25       [(3) When a state agency or a local government makes a land use decision relating to the land  
 26 application of reclaimed water, agricultural or industrial process water or biosolids under a license,  
 27 permit or approval by the Department of Environmental Quality, the applicant shall explain in writing  
 28 how alternatives identified in public comments on the land use decision were considered and, if the  
 29 alternatives are not used, explain in writing the reasons for not using the alternatives. The applicant  
 30 must consider only those alternatives that are identified with sufficient specificity to afford the applicant  
 31 an adequate opportunity to consider the alternatives. A land use decision relating to the land applica-  
 32 tion of reclaimed water, agricultural or industrial process water or biosolids may not be reversed or  
 33 remanded under this subsection unless the applicant failed to consider identified alternatives or to ex-  
 34 plain in writing the reasons for not using the alternatives.]

35       [(4)] **(3)(a)** [The uses allowed under this section include] **As used in this section, "land appli-**  
 36 **cation of reclaimed water, agricultural or industrial process water or biosolids" includes:**

37       [(a)] **(A)** The treatment of [reclaimed water, agricultural or industrial process] water or biosolids  
 38 that occurs as a result of the land application;

39       [(b)] **(B)** The establishment and use of facilities, including buildings, equipment, aerated and  
 40 nonaerated water impoundments, pumps and other irrigation equipment, that are accessory to and  
 41 reasonably necessary for the land application to occur on the subject tract;

42       [(c)] **(C)** The establishment and use of facilities, including buildings and equipment, that are not  
 43 on the tract on which the land application occurs for the transport of reclaimed water, agricultural  
 44 or industrial process water or biosolids to the tract on which the land application occurs if the fa-  
 45 cilities are located within:

1 [(A)] (i) A public right of way; or

2 [(B)] (ii) Other land if the landowner provides written consent and the owner of the facility  
3 complies with ORS 215.275 (4); and

4 [(d)] (D) The transport by vehicle of reclaimed water or agricultural or industrial process water  
5 to a tract on which the water will be applied to land.

6 [(5)] (b) [Uses not allowed under this section] **“Land application of reclaimed water, agricul-  
7 tural or industrial process water or biosolids” does not** include:

8 [(a)] (A) The establishment and use of facilities, including buildings or equipment, for the  
9 treatment of [reclaimed water, agricultural or industrial process] water or biosolids other than those  
10 treatment facilities related to the treatment that occurs as a result of the land application; or

11 [(b)] (B) The establishment and use of utility facility service lines allowed under ORS 215.213  
12 (1)(x) or 215.283 (1)(u).

13 **SECTION 6.** ORS 215.249 is amended to read:

14 215.249. Notwithstanding ORS 215.263, the governing body of a county or its designee may not  
15 approve a proposed division of land in an exclusive farm use zone for the land application of re-  
16 claimed water, agricultural or industrial process water or biosolids described in ORS [215.213 (1)(y)  
17 or 215.283 (1)(v)] **215.246 to 215.251.**

18 **SECTION 7.** ORS 215.251 is amended to read:

19 215.251. [Nothing in] ORS [215.213 (1)(y),] 215.246 to 215.249 [or 215.283 (1)(v) affects] **do not af-  
20 fect** whether the land application of a substance not described in [ORS 215.213 (1)(y),] 215.246 to  
21 215.249 [or 215.283 (1)(v)] is a farm use [as defined in ORS 215.203].

22 **SECTION 8.** ORS 215.213, as amended by section 1, chapter 119, Oregon Laws 2018, is amended  
23 to read:

24 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
25 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

32 (A) ORS 215.275; or

33 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
34 469.300.

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

44 (e) Nonresidential buildings customarily provided in conjunction with farm use.  
45

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

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

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

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

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

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

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

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

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

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

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

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

38 (r) Farm stands if:

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

45 (B) The farm stand does not include structures designed for occupancy as a residence or for

1 activity other than the sale of farm crops or livestock and does not include structures for banquets,  
2 public gatherings or public entertainment.

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

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

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

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

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

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

33 (A) A public right of way;

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

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

37 [(y) *Subject to the issuance of a license, permit or other approval by the Department of Environ-*  
38 *mental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with*  
39 *rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application*  
40 *of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of*  
41 *septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-*  
42 *duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this*  
43 *chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application*  
44 *of biosolids is limited to treatment using treatment facilities that are portable, temporary and trans-*  
45 *portable by truck trailer, as defined in ORS 801.580, during a period of time within which land ap-*

1 *plication of biosolids is authorized under the license, permit or other approval.]*

2 [(z)] (y) Dog training classes or testing trials, which may be conducted outdoors or in preexist-  
3 ing farm buildings, when:

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

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

8 [(aa)] (z) A cider business, as described in ORS 215.451.

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

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

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

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

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

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

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

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

30 (d) Operations conducted for:

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

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

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

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

37 (e) Community centers owned by a governmental agency or a nonprofit community organization  
38 and operated primarily by and for residents of the local rural community, hunting and fishing pre-  
39 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the  
40 county governing body or its designee, a private campground may provide yurts for overnight  
41 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include  
42 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.  
43 Upon request of a county governing body, the Land Conservation and Development Commission may  
44 provide by rule for an increase in the number of yurts allowed on all or a portion of the  
45 campgrounds in a county if the commission determines that the increase will comply with the stan-

1 dards described in ORS 215.296 (1). A public park or campground may be established as provided  
2 under ORS 195.120. As used in this paragraph, “yurt” means a round, domed shelter of cloth or  
3 canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appli-  
4 ance.

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

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

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

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

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

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

30 (B) Dog training classes or testing trials that cannot be established under subsection [(1)(z)]  
31 (1)(y) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 **(aa) Onsite treatment of septage or the land application of reclaimed water, agricultural**  
36 **or industrial process water or biosolids as described in ORS 215.246 to 215.251.**

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

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



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

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

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

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

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

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

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

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

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

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

34 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,  
35 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

1 dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (i) Planned hours of operation;

32 (ii) Access, egress and parking;

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

35 (iv) Sanitation and solid waste.

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

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

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

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

1 and

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

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

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

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

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

21 **SECTION 9.** ORS 215.213, as amended by section 7, chapter 462, Oregon Laws 2013, section 2,  
22 chapter 148, Oregon Laws 2017, section 4, chapter 253, Oregon Laws 2017, section 4, chapter 504,  
23 Oregon Laws 2017, and section 2, chapter 119, Oregon Laws 2018, is amended to read:

24 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
25 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

32 (A) ORS 215.275; or

33 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
34 469.300.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (C) Has interior wiring for interior lights;

41 (D) Has a heating system; and

42 (E) In the case of replacement:

43 (i) Is removed, demolished or converted to an allowable nonresidential use within three months  
44 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of  
45 the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable

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

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

20 (r) Farm stands if:

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

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

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

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

44 (u) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS  
45 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm

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

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

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

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

15 (A) A public right of way;

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

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

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

29 [(z)] (y) Dog training classes or testing trials, which may be conducted outdoors or in preexist-  
 30 ing farm buildings, when:

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

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

35 [(aa)] (z) A cider business, as described in ORS 215.451.

36 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
 37 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
 38 215.296:

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

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

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

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

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

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

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

12 (d) Operations conducted for:

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

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

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

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

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

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

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

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

45 (i) A facility for the primary processing of forest products, provided that such facility is found



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

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

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

12 (B) Dog training classes or testing trials that cannot be established under subsection [(1)(z)]  
13 (1)(y) of this section.

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

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

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

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

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

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

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

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

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

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

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

45 (B) "Local historical society" means the local historical society, recognized as such by the

1 county governing body and organized under ORS chapter 65.

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

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

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

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

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

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

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

17 **(aa) Onsite treatment of septage or the land application of reclaimed water, agricultural**  
18 **or industrial process water or biosolids as described in ORS 215.246 to 215.251.**

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

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

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

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

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

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

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

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

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

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

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

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

16 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,  
17 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (i) Planned hours of operation;

14 (ii) Access, egress and parking;

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

17 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

44 (D) Must comply with ORS 215.296;

45 (E) May not, in combination with other agri-tourism or other commercial events or activities

1 authorized in the area, materially alter the stability of the land use pattern in the area; and

2 (F) Must comply with conditions established for:

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

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

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

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

12 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

44 (c) The authorizations provided by subsection (11) of this section are in addition to other au-  
45 thorizations that may be provided by law, except that "outdoor mass gathering" and "other gather-

1 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial  
2 events and activities.

3 **SECTION 10.** ORS 215.283, as amended by section 3, chapter 119, Oregon Laws 2018, is  
4 amended to read:

5 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

12 (A) ORS 215.275; or

13 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
14 469.300.

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

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

27 (f) Operations for the exploration for and production of geothermal resources as defined by ORS  
28 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
29 compressors, separators and other customary production equipment for an individual well adjacent  
30 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
31 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

5 (o) Farm stands if:

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

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

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

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

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

37 (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 ad-

1 jacent 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 Environ-*  
 4 *mental 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 trans-*  
 11 *portable by truck trailer, as defined in ORS 801.580, during a period of time within which land ap-*  
 12 *plication of biosolids is authorized under the license, permit or other approval.]*

13 *[(w)] (v) A county law enforcement facility that lawfully existed on August 20, 2002, and is used*  
 14 *to 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)] (w) Dog training classes or testing trials, which may be conducted outdoors or in preex-*  
 17 *isting 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)] (x) 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 body  
 24 or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

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

27 (b) Operations conducted for:

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

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

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

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

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

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



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

9 (f) Golf courses on land:

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 the  
16 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-  
17 cility may be established as a commercial utility facility as provided in ORS 215.447.

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

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

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

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

39 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
40 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
41 hardship suffered by the existing resident or a relative of the resident. Within three months of the  
42 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-  
43 ished or, in the case of an existing building, the building shall be removed, demolished or returned  
44 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-  
45 view of the hardship claimed under this paragraph. A temporary residence approved under this

1 paragraph is not eligible for replacement under subsection (1)(p) of this section.

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

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

4 (B) Dog training classes or testing trials that cannot be established under subsection [(1)(x)]  
5 (1)(w) of this section.

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

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

14 (q) 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 (r) 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 (s) 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 (t) 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 (u) Room and board arrangements for a maximum of five unrelated persons in existing resi-  
24 dences.

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

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

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

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

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

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

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

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

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

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

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

9 **(cc) Onsite treatment of septage or the land application of reclaimed water, agricultural  
10 or industrial process water or biosolids as described in ORS 215.246 to 215.251.**

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

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

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

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

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

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

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

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

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

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

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

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

38 (i) Planned hours of operation;

39 (ii) Access, egress and parking;

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

42 (iv) Sanitation and solid waste.

43 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
44 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-  
45 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-

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

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

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

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

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

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

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

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

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

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

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

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

24 (D) Must comply with ORS 215.296;

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

27 (F) Must comply with conditions established for:

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

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

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

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

37 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

28 **SECTION 11.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, section  
 29 4, chapter 148, Oregon Laws 2017, section 6, chapter 253, Oregon Laws 2017, section 2, chapter 393,  
 30 Oregon Laws 2017, section 6, chapter 504, Oregon Laws 2017, and section 4, chapter 119, Oregon  
 31 Laws 2018, is amended to read:

32 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

39 (A) ORS 215.275; or

40 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
 41 469.300.

42 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the  
 43 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,  
 44 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
 45 operator does or will require the assistance of the relative in the management of the farm use and

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

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

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

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

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

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

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

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

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

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

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

32 (o) Farm stands if:

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

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

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

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

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

1 (C) Has interior wiring for interior lights;

2 (D) Has a heating system; and

3 (E) In the case of replacement:

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

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

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

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

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

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

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

8 (A) A public right of way;

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

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

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

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

25 *[(x)]* (w) Dog training classes or testing trials, which may be conducted outdoors or in preex-  
26 isting farm buildings, when:

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

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

31 *[(y)]* (x) A cider business, as described in ORS 215.451.

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

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

36 (b) Operations conducted for:

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

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

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

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

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



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

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

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

18 (f) Golf courses on land:

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

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

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

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

23 (iii) Is west of U.S. Highway 101.

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

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

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

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

45 (k) A site for the disposal of solid waste approved by the governing body of a city or county or

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

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

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

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

13 (B) Dog training classes or testing trials that cannot be established under subsection [(1)(x)]  
14 (1)(w) of this section.

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

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

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

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

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

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

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

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

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

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

44 (A) "Living history museum" means a facility designed to depict and interpret everyday life and  
45 culture of some specific historic period using authentic buildings, tools, equipment and people to

1 simulate past activities and events; and

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

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

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

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

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

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

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

18 **(cc) Onsite treatment of septage or the land application of reclaimed water, agricultural**  
19 **or industrial process water or biosolids as described in ORS 215.246 to 215.251.**

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

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

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

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

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

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

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

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

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

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

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

45 (G) The agri-tourism or other commercial event or activity complies with conditions established

1 for:

- 2 (i) Planned hours of operation;
- 3 (ii) Access, egress and parking;
- 4 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-
- 5 ipated use of public roads; and
- 6 (iv) Sanitation and solid waste.

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

- 15 (A) Must be incidental and subordinate to existing farm use on the tract;
- 16 (B) May not begin before 6 a.m. or end after 10 p.m.;
- 17 (C) May not involve more than 100 attendees or 50 vehicles;
- 18 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 19 (E) May not require or involve the construction or use of a new permanent structure in con-
- 20 nection with the agri-tourism or other commercial event or activity;
- 21 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
- 22 properties consent, in writing, to the location; and
- 23 (G) Must comply with applicable health and fire and life safety requirements.

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

- 29 (A) Must be incidental and subordinate to existing farm use on the tract;
- 30 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 31 (C) May not require that a new permanent structure be built, used or occupied in connection
- 32 with the agri-tourism or other commercial events or activities;
- 33 (D) Must comply with ORS 215.296;
- 34 (E) May not, in combination with other agri-tourism or other commercial events or activities
- 35 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 36 (F) Must comply with conditions established for:

- 37 (i) The types of agri-tourism or other commercial events or activities that are authorized during
- 38 each calendar year, including the number and duration of the agri-tourism or other commercial
- 39 events and activities, the anticipated daily attendance and the hours of operation;
- 40 (ii) The location of existing structures and the location of proposed temporary structures to be
- 41 used in connection with the agri-tourism or other commercial events or activities;
- 42 (iii) The location of access and egress and parking facilities to be used in connection with the
- 43 agri-tourism or other commercial events or activities;
- 44 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
- 45 public roads; and

1 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

37 **SECTION 12.** ORS 215.304 is amended to read:

38 215.304. (1) The Land Conservation and Development Commission shall not adopt or implement  
39 any rule to identify or designate small-scale farmland or secondary land.

40 (2) Amendments required to conform rules to the provisions of subsection (1) of this section and  
41 ORS 215.700 to 215.780 shall be adopted by March 1, 1994.

42 (3) Any portion of a rule inconsistent with the provisions of ORS 197.247 (1991 Edition), 215.213,  
43 215.214 (1991 Edition), 215.288 (1991 Edition), 215.317, 215.327 and 215.337 (1991 Edition) or 215.700  
44 to 215.780 on March 1, 1994:

45 (a) Shall not be implemented or enforced; and

1 (b) Has no legal effect.

2 (4) Notwithstanding subsection (3) of this section, the uses authorized by ORS 215.283 [(1)(x)]  
 3 (1)(w) or (2)(n) may be established on land in exclusive farm use zones, including high-value  
 4 farmland.

5 **SECTION 13.** ORS 215.451 is amended to read:

6 215.451. (1) As used in this section:

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

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

13 (B) “Cider” includes but is not limited to flavored cider, sparkling cider and carbonated cider.

14 (c) “Cider business” means a facility used primarily for the commercial production, shipping and  
 15 distribution, wholesale or retail sales, tasting, crushing, making, blending, storage, bottling, admin-  
 16 istrative functions or warehousing of cider.

17 (d) “Cidermaker” means a person who makes cider.

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

20 (f) “Orchard” means a piece of land planted with apple or pear trees.

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

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

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

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

27 (C) Has a long-term contract for the purchase of all of the apples or pears from at least 15 acres  
 28 of an orchard contiguous to the cider business; or

29 (D) Obtains apples or pears from any combination of subparagraph (A), (B) or (C) of this para-  
 30 graph; or

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

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

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

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

36 (D) Owns an on-site orchard of at least 15 acres on a tract of at least 40 acres and owns at least  
 37 40 additional acres of orchards in Oregon that are located within 15 miles of the cider business site;  
 38 or

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

41 (3) In addition to any other activities authorized for a cider business, a cider business estab-  
 42 lished under this section may:

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

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

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

3 (B) Cider club activities;

4 (C) Cidermaker luncheons and dinners;

5 (D) Cider business and orchard tours;

6 (E) Meetings or business activities with cider business suppliers, distributors, wholesale cus-  
7 tomers and cider industry members;

8 (F) Cider business staff activities;

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

10 (H) Similar activities conducted for the primary purpose of promoting cider produced in con-  
11 junction with the cider business.

12 (c) Market and sell items directly related to the sale or promotion of cider produced in con-  
13 junction with the cider business, the marketing and sale of which is incidental to on-site retail sale  
14 of cider, including food and beverages:

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

17 (B) Served in conjunction with an activity authorized by paragraph (b), (d) or (e) of this sub-  
18 section.

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

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

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

24 (4) A cider business may include on-site kitchen facilities licensed by the Oregon Health Au-  
25 thority under ORS 624.010 to 624.121 for the preparation of food and beverages described in sub-  
26 section (3)(c) of this section. Food and beverage services authorized under subsection (3)(c) of this  
27 section may not utilize menu options or meal services that cause the kitchen facilities to function  
28 as a cafe or other dining establishment open to the public.

29 (5)(a) The gross income of the cider business from the sale of incidental items or services pro-  
30 vided pursuant to subsection (3)(c) to (e) of this section may not exceed 25 percent of the gross in-  
31 come from the on-site retail sale of cider produced in conjunction with the cider business. The gross  
32 income of a cider business does not include income received by third parties unaffiliated with the  
33 cider business.

34 (b) At the request of a local government with land use jurisdiction over the site of a cider  
35 business, the cider business shall submit to the local government a written statement prepared by  
36 a certified public accountant that certifies the compliance of the cider business with this subsection  
37 for the previous tax year.

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

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

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

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

1 (B) Is subject to an administrative review to determine necessary conditions pursuant to sub-  
2 section (8) of this section.

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

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

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

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

9 (A) Has a term of five years;

10 (B) Is subject to an administrative review to determine necessary conditions pursuant to sub-  
11 section (8) of this section; and

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

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

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

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

17 (8)(a) A local government with land use jurisdiction over the site of a cider business shall ensure  
18 that agri-tourism or other commercial events occurring as described in subsection (3)(d) of this sec-  
19 tion are subordinate to the production and sale of cider and do not create significant adverse im-  
20 pacts to uses on surrounding land.

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

24 (A) The number of event attendees;

25 (B) The hours of event operation;

26 (C) Access and parking;

27 (D) Traffic management;

28 (E) Noise management; and

29 (F) Sanitation and solid waste.

30 (9) A local government may charge a fee for processing a license or permit under subsections  
31 (6) and (7) of this section. The fee may not exceed the actual or average cost of providing the ap-  
32 plicable licensing or permitting service.

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

35 (a) The bed and breakfast facility may prepare and serve two meals per day to the registered  
36 guests of the bed and breakfast facility; and

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

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

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

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

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

45 (c) Regulations for resource protection acknowledged to comply with any statewide goal re-



1 specting open spaces, scenic and historic areas and natural resources.

2 (13)(a) For the purpose of limiting demonstrated conflicts with accepted farm and forest prac-  
3 tices on adjacent lands, a local government with land use jurisdiction over the site of a cider busi-  
4 ness shall:

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

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

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

11

\_\_\_\_\_