

Requested by Representative HELM

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2329**

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

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

5 “(8)(a) If the developer of a facility elects, or the governing body of the
6 local government after consulting with the developer elects, to defer regula-
7 tory authority to the Energy Facility Siting Council, the developer of a fa-
8 cility shall obtain a site certificate, in the manner provided in ORS 469.300
9 to 469.563, 469.590 to 469.619, 469.930 and 469.992, for a facility that, not-
10 withstanding the definition of ‘energy facility’ in ORS 469.300, is:

11 “(A) An electric power generating plant with an average electric gener-
12 ating capacity of less than 50 megawatts produced from wind energy at a
13 single energy facility or within a single energy generation area;

14 “(B) An associated transmission line; or

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

17 “(b) An election by a developer or a local government under this sub-
18 section is final.

19 “(c) An election by a local government under this subsection is not a land
20 use decision as defined in ORS 197.015.

21 “(d) A local government may not make an election under this subsection

1 after a permit application has been submitted under ORS 215.416 or 227.175.

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

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

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

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

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

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

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

12 **“(ii) 100 acres or less located on land that is predominantly culti-**
13 **ivated or that, if not cultivated, is predominantly composed of soils**
14 **that are in capability classes I to IV, as specified by the National Co-**
15 **operative Soil Survey operated by the Natural Resources Conservation**
16 **Service of the United States Department of Agriculture; or**

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

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

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

20 **“(2) An application for a land use permit to establish a renewable**
21 **energy facility must be made under ORS 215.416. An applicant must**
22 **demonstrate to the satisfaction of the county that the renewable en-**
23 **ergy facility meets the standards under subsection (3) of this section.**

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

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

29 **“(B) Conduct a habitat assessment of the proposed development**
30 **site;**

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

5 **“(D) Follow administrative rules adopted by the State Fish and**
6 **Wildlife Commission and rules adopted by the Land Conservation and**
7 **Development Commission to implement the Oregon Sage-Grouse**
8 **Action Plan and Executive Order 15-18.**

9 **“(b) Demonstrate that the construction and operation of the**
10 **renewable energy facility, taking into account mitigation, will not re-**
11 **sult in significant adverse impacts to historic, cultural and**
12 **archaeological resources that are:**

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

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

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

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

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

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

1 **“(4) Upon receipt of a reasonable cost estimate from the state**
2 **agency or tribe, the applicant and county may jointly enter into a cost**
3 **reimbursement agreement administered by the county with:**

4 **“(a) The State Department of Fish and Wildlife to receive com-**
5 **ments under subsection (3)(a) of this section.**

6 **“(b) The State Historic Preservation Officer or any affected feder-**
7 **ally recognized Indian tribe to receive comments under subsection**
8 **(3)(b) of this section.**

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

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

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

17 **“(b) A description of the lots or parcels subject to the permit ap-**
18 **plication;**

19 **“(c) The dates, times and locations where public comments or pub-**
20 **lic testimony on the permit application can be submitted; and**

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

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

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

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

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

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

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

30 **“(f) Federally recognized Indian tribes that may be affected by the**

1 **application.**

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

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

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

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

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

14 “(A) ORS 215.275; or

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

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

30 “(e) Nonresidential buildings customarily provided in conjunction with

1 farm use.

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

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

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

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

27 “(j) Climbing and passing lanes within the right of way existing as of July
28 1, 1987.

29 “(k) Reconstruction or modification of public roads and highways, in-
30 cluding the placement of utility facilities overhead and in the subsurface of

1 public roads and highways along the public right of way, but not including
2 the addition of travel lanes, where no removal or displacement of buildings
3 would occur, or no new land parcels result.

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

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

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

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

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

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

18 “(r) Farm stands if:

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

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

30 “(s) An armed forces reserve center, if the center is within one-half mile

1 of a community college. For purposes of this paragraph, ‘armed forces reserve
2 center’ includes an armory or National Guard support facility.

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

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

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

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

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

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

7 “(A) A public right of way;

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

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

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

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

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

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

1 or fewer trials per calendar year.

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

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

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

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

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

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

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

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

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

27 “(d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 “(u) A living history museum related to resource based activities owned
28 and operated by a governmental agency or a local historical society, together
29 with limited commercial activities and facilities that are directly related to
30 the use and enjoyment of the museum and located within authentic buildings

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

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

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

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

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

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

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

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

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

30 “(B) All individuals conducting therapeutic or counseling activities are

1 acting within the proper scope of any licenses required by the state.

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

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

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

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

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

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

29 “(b) If the lot or parcel is located within the Willamette River Greenway,
30 a floodplain or a geological hazard area, the dwelling complies with condi-

1 tions imposed by local ordinances relating specifically to the Willamette
2 River Greenway, floodplains or geological hazard areas, whichever is appli-
3 cable; and

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

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

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

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

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

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

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

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

29 “(B) On July 1, 1983, greater than possessory interests are held in those
30 contiguous lots, parcels or lots and parcels by the same person, spouses or

1 a single partnership or business entity, separately or in tenancy in common.

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

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

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

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

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

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

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

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

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

30 “(B) The duration of the agri-tourism or other commercial event or ac-

1 tivity does not exceed 72 consecutive hours;

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

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

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

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

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

14 “(i) Planned hours of operation;

15 “(ii) Access, egress and parking;

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

18 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

24 “(D) Must comply with ORS 215.296;

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

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

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

1 duration of the agri-tourism or other commercial events and activities, the
2 anticipated daily attendance and the hours of operation;

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

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

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

10 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

30 “(b) Limit its review to events and activities authorized by the permit,

1 conformance with conditions of approval required by the permit and the
2 standards established by subsection (11)(d) of this section.

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

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

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

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

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

27 “215.213. (1) In counties that have adopted marginal lands provisions un-
28 der ORS 197.247 (1991 Edition), the following uses may be established in any
29 area zoned for exclusive farm use:

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

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

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

7 “(A) ORS 215.275; or

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

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

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

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

30 “(g) Operations for the exploration for and production of geothermal re-

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

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

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

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

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

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

29 “(m) Minor betterment of existing public road and highway related facil-
30 ities, such as maintenance yards, weigh stations and rest areas, within right

1 of way existing as of July 1, 1987, and contiguous public-owned property
2 utilized to support the operation and maintenance of public roads and high-
3 ways.

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

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

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

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

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

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

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

15 “(D) Has a heating system; and

16 “(E) In the case of replacement:

17 “(i) Is removed, demolished or converted to an allowable nonresidential
18 use within three months of the completion of the replacement dwelling. A
19 replacement dwelling may be sited on any part of the same lot or parcel. A
20 dwelling established under this paragraph shall comply with all applicable
21 siting standards. However, the standards shall not be applied in a manner
22 that prohibits the siting of the dwelling. If the dwelling to be replaced is
23 located on a portion of the lot or parcel not zoned for exclusive farm use,
24 the applicant, as a condition of approval, shall execute and record in the
25 deed records for the county where the property is located a deed restriction
26 prohibiting the siting of a dwelling on that portion of the lot or parcel. The
27 restriction imposed shall be irrevocable unless a statement of release is
28 placed in the deed records for the county. The release shall be signed by the
29 county or its designee and state that the provisions of this paragraph re-
30 garding replacement dwellings have changed to allow the siting of another

1 dwelling. The county planning director or the director's designee shall
2 maintain a record of the lots and parcels that do not qualify for the siting
3 of a new dwelling under the provisions of this paragraph, including a copy
4 of the deed restrictions and release statements filed under this paragraph;
5 and

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

17 “(r) Farm stands if:

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

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

29 “(s) An armed forces reserve center, if the center is within one-half mile
30 of a community college. For purposes of this paragraph, ‘armed forces reserve

1 center' includes an armory or National Guard support facility.

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

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

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

29 “(w) Irrigation reservoirs, canals, delivery lines and those structures and
30 accessory operational facilities, not including parks or other recreational

1 structures and facilities, associated with a district as defined in ORS 540.505.

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

6 “(A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 “(d) Operations conducted for:

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

30 “(B) Mining, crushing or stockpiling of aggregate and other mineral and

1 other subsurface resources subject to ORS 215.298;

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

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

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

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

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

30 “(h) Personal-use airports for airplanes and helicopter pads, including

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 “(u) A living history museum related to resource based activities owned
27 and operated by a governmental agency or a local historical society, together
28 with limited commercial activities and facilities that are directly related to
29 the use and enjoyment of the museum and located within authentic buildings
30 of the depicted historic period or the museum administration building, if

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

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

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

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

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

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

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

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

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

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

1 “(3) In counties that have adopted marginal lands provisions under ORS
2 197.247 (1991 Edition), a single-family residential dwelling not provided in
3 conjunction with farm use may be established on a lot or parcel with soils
4 predominantly in capability classes IV through VIII as determined by the
5 Agricultural Capability Classification System in use by the United States
6 Department of Agriculture Soil Conservation Service on October 15, 1983. A
7 proposed dwelling is subject to approval of the governing body or its
8 designee in any area zoned for exclusive farm use upon written findings
9 showing all of the following:

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

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

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

20 “(4) In counties that have adopted marginal lands provisions under ORS
21 197.247 (1991 Edition), one single-family dwelling, not provided in conjunc-
22 tion with farm use, may be established in any area zoned for exclusive farm
23 use on a lot or parcel described in subsection (7) of this section that is not
24 larger than three acres upon written findings showing:

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

28 “(b) If the lot or parcel is located within the Willamette River Greenway,
29 a floodplain or a geological hazard area, the dwelling complies with condi-
30 tions imposed by local ordinances relating specifically to the Willamette

1 River Greenway, floodplains or geological hazard areas, whichever is appli-
2 cable; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 “(i) Planned hours of operation;

14 “(ii) Access, egress and parking;

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

17 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

23 “(D) Must comply with ORS 215.296;

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

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

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

1 anticipated daily attendance and the hours of operation;

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

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

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

9 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

1 standards established by subsection (11)(d) of this section.

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

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

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

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

22 **“SECTION 7.** ORS 215.283, as amended by section 3, chapter 119, Oregon
23 Laws 2018, is amended to read:

24 “215.283. (1) The following uses may be established in any area zoned for
25 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
29 treatment systems but not including commercial facilities for the purpose of
30 generating electrical power for public use by sale or transmission towers

1 over 200 feet in height. A utility facility necessary for public service may
2 be established as provided in:

3 “(A) ORS 215.275; or

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

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

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

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

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

30 “(h) Climbing and passing lanes within the right of way existing as of

1 July 1, 1987.

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

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

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

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

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

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

19 “(o) Farm stands if:

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

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

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

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

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

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

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

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

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

7 “(A) A public right of way;

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

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

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

24 “(w) A county law enforcement facility that lawfully existed on August
25 20, 2002, and is used to provide rural law enforcement services primarily in
26 rural areas, including parole and post-prison supervision, but not including
27 a correctional facility as defined under ORS 162.135.

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

30 “(A) The number of dogs participating in training does not exceed 10 dogs

1 per training class and the number of training classes to be held on-site does
2 not exceed six per day; and

3 “(B) The number of dogs participating in a testing trial does not exceed
4 60 and the number of testing trials to be conducted on-site is limited to four
5 or fewer trials per calendar year.

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

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

10 “(a) Commercial activities that are in conjunction with farm use, includ-
11 ing the processing of farm crops into biofuel not permitted under ORS
12 215.203 (2)(b)(K) or subsection (1)(r) of this section.

13 “(b) Operations conducted for:

14 “(A) Mining and processing of geothermal resources as defined by ORS
15 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted
16 under subsection (1)(f) of this section;

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

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

21 “(D) Processing of other mineral resources and other subsurface re-
22 sources.

23 “(c) Private parks, playgrounds, hunting and fishing preserves and
24 campgrounds. Subject to the approval of the county governing body or its
25 designee, a private campground may provide yurts for overnight camping.
26 No more than one-third or a maximum of 10 campsites, whichever is smaller,
27 may include a yurt. The yurt shall be located on the ground or on a wood
28 floor with no permanent foundation. Upon request of a county governing
29 body, the Land Conservation and Development Commission may provide by
30 rule for an increase in the number of yurts allowed on all or a portion of

1 the campgrounds in a county if the commission determines that the increase
2 will comply with the standards described in ORS 215.296 (1). As used in this
3 paragraph, ‘yurt’ means a round, domed shelter of cloth or canvas on a
4 collapsible frame with no plumbing, sewage disposal hookup or internal
5 cooking appliance.

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

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

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

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

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

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

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

1 **lished as a commercial utility facility.**

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

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

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

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

29 “(L) One manufactured dwelling or recreational vehicle, or the temporary
30 residential use of an existing building, in conjunction with an existing

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

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

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

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

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

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

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

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

30 “(s) Improvement of public road and highway related facilities, such as

1 maintenance yards, weigh stations and rest areas, where additional property
2 or right of way is required but not resulting in the creation of new land
3 parcels.

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

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

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

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

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

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

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

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

1 fireworks.

2 “(z) A landscape contracting business, as defined in ORS 671.520, or a
3 business providing landscape architecture services, as described in ORS
4 671.318, if the business is pursued in conjunction with the growing and
5 marketing of nursery stock on the land that constitutes farm use.

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

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

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

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

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

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

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

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

29 “(a) A county may authorize a single agri-tourism or other commercial
30 event or activity on a tract in a calendar year by an authorization that is

1 personal to the applicant and is not transferred by, or transferable with, a
2 conveyance of the tract, if the agri-tourism or other commercial event or
3 activity meets any local standards that apply and:

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

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

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

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

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

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

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

20 “(i) Planned hours of operation;

21 “(ii) Access, egress and parking;

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

24 “(iv) Sanitation and solid waste.

25 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a
26 county may authorize, through an expedited, single-event license, a single
27 agri-tourism or other commercial event or activity on a tract in a calendar
28 year by an expedited, single-event license that is personal to the applicant
29 and is not transferred by, or transferable with, a conveyance of the tract. A
30 decision concerning an expedited, single-event license is not a land use de-

1 cision, as defined in ORS 197.015. To approve an expedited, single-event li-
2 cense, the governing body of a county or its designee must determine that
3 the proposed agri-tourism or other commercial event or activity meets any
4 local standards that apply, and the agri-tourism or other commercial event
5 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
10 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

30 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

16 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

18 “(b) The county may issue the limited use permits authorized by sub-
19 section (4)(c) of this section for two calendar years. When considering an
20 application for renewal, the county shall ensure compliance with the pro-
21 visions 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 commer-
23 cial events or activities authorized by the permit.

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

29 **“SECTION 8.** ORS 215.283, as amended by section 8, chapter 462, Oregon
30 Laws 2013, section 4, chapter 148, Oregon Laws 2017, section 6, chapter 253,

1 Oregon Laws 2017, section 2, chapter 393, Oregon Laws 2017, section 6,
2 chapter 504, Oregon Laws 2017, and section 4, chapter 119, Oregon Laws 2018,
3 is amended to read:

4 “215.283. (1) The following uses may be established in any area zoned for
5 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
9 treatment systems but not including commercial facilities for the purpose of
10 generating electrical power for public use by sale or transmission towers
11 over 200 feet in height. A utility facility necessary for public service may
12 be established as provided in:

13 “(A) ORS 215.275; or

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

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

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

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

7 “(g) Operations for the exploration for minerals as defined by ORS
8 517.750. Any activities or construction relating to such operations shall not
9 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

29 “(o) Farm stands if:

30 “(A) The structures are designed and used for the sale of farm crops or

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

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

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

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

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

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

17 “(D) Has a heating system; and

18 “(E) In the case of replacement:

19 “(i) Is removed, demolished or converted to an allowable nonresidential
20 use within three months of the completion of the replacement dwelling. A
21 replacement dwelling may be sited on any part of the same lot or parcel. A
22 dwelling established under this paragraph shall comply with all applicable
23 siting standards. However, the standards shall not be applied in a manner
24 that prohibits the siting of the dwelling. If the dwelling to be replaced is
25 located on a portion of the lot or parcel not zoned for exclusive farm use,
26 the applicant, as a condition of approval, shall execute and record in the
27 deed records for the county where the property is located a deed restriction
28 prohibiting the siting of a dwelling on that portion of the lot or parcel. The
29 restriction imposed shall be irrevocable unless a statement of release is
30 placed in the deed records for the county. The release shall be signed by the

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

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

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

1 to be used for flight and is controlled by radio, lines or design by a person
2 on the ground.

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

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

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

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

23 “(A) A public right of way;

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

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

27 “(v) Subject to the issuance of a license, permit or other approval by the
28 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
29 468B.053 or 468B.055, or in compliance with rules adopted under ORS
30 468B.095, and as provided in ORS 215.246 to 215.251, the land application of

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

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

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

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

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

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

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

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

29 “(b) Operations conducted for:

30 “(A) Mining and processing of geothermal resources as defined by ORS

1 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted
2 under subsection (1)(f) of this section;

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

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

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

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

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

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

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

4 “(f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 “(x) A living history museum related to resource based activities owned
30 and operated by a governmental agency or a local historical society, together

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

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

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

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

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

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

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

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

30 “(B) All individuals conducting therapeutic or counseling activities are

1 acting within the proper scope of any licenses required by the state.

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

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

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

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

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

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

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

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

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

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

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

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

6 “(i) Planned hours of operation;

7 “(ii) Access, egress and parking;

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

10 “(iv) Sanitation and solid waste.

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

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

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

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

25 “(D) May not include the artificial amplification of music or voices before
26 8 a.m. or after 8 p.m.;

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

30 “(F) Must be located on a tract of at least 10 acres unless the owners or

1 residents of adjoining properties consent, in writing, to the location; and

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

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

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

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

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

16 “(D) Must comply with ORS 215.296;

17 “(E) May not, in combination with other agri-tourism or other commercial
18 events or activities authorized in the area, materially alter the stability of
19 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
22 that are authorized during each calendar year, including the number and
23 duration of the agri-tourism or other commercial events and activities, the
24 anticipated daily attendance and the hours of operation;

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

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

30 “(iv) Traffic management, including the projected number of vehicles and

1 any anticipated use of public roads; and

2 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

1 with an agri-tourism or other commercial event or activity authorized under
2 subsection (4) of this section, including, but not limited to, grading, filling
3 or paving.

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

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

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