

House Bill 3158

Sponsored by Representative CATE (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act makes solar plants on farm land work with farm or allowed nonfarm uses. (Flesch Readability Score: 84.4).

Allows certain photovoltaic solar power generation facilities on lands zoned for exclusive farm use to operate alongside farm or allowed nonfarm uses on a tract.

A BILL FOR AN ACT

1
2 Relating to photovoltaic solar power generation facilities on lands zoned for exclusive farm use;
3 creating new provisions; and amending ORS 215.213, 215.283 and 215.447.

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

5 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 215.**

6 **SECTION 2. (1) In lieu of siting requirements under ORS 215.446 or 215.447, a photovoltaic**
7 **solar power generation facility of 15 acres or larger may be sited as a utility facility under**
8 **ORS 215.213 (2) or 215.283 (2) on lands zoned for exclusive farm use if the facility has devel-**
9 **oped a plan and demonstrated the feasibility of the plan showing that the facility and the**
10 **tract on which the facility is sited are designed to:**

11 (a)(A) Operate along with a farm use or other permissible nonfarm use on the tract; and

12 (B) Minimize conflicts with farm uses on the tract and to incorporate principles of
13 agrivoltaics; or

14 (b) Allow the tract to continue agricultural production at a specified percentage, not less
15 than 65 percent, of the average agricultural production of the previous five years, if any.

16 (2) In adopting rules to implement this section, the Land Conservation and Development
17 Commission shall ensure that facilities described in subsection (1) of this section allow a
18 higher rate of agricultural value or output to be maintained on higher quality agricultural
19 soils.

20 **SECTION 3. ORS 215.213 is amended to read:**

21 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
22 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

29 (A) ORS 215.275; or

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

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

1 469.300.

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

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

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

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

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

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

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

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

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

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

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

- 1 (o) Creation, restoration or enhancement of wetlands.
- 2 (p) A winery, as described in ORS 215.452 or 215.453.
- 3 (q) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS
4 215.291.
- 5 (r) Farm stands if:
- 6 (A) The structures are designed and used for the sale of farm crops or livestock grown on the
7 farm operation, or grown on the farm operation and other farm operations in the local agricultural
8 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm
9 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-
10 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
11 and
- 12 (B) The farm stand does not include structures designed for occupancy as a residence or for
13 activity other than the sale of farm crops or livestock and does not include structures for banquets,
14 public gatherings or public entertainment.
- 15 (s) An armed forces reserve center, if the center is within one-half mile of a community college.
16 For purposes of this paragraph, “armed forces reserve center” includes an armory or National
17 Guard support facility.
- 18 (t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as
19 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor
20 area or placed on a permanent foundation unless the building or facility preexisted the use approved
21 under this paragraph. The site shall not include an aggregate surface or hard surface area unless
22 the surface preexisted the use approved under this paragraph. An owner of property used for the
23 purpose authorized in this paragraph may charge a person operating the use on the property rent
24 for the property. An operator may charge users of the property a fee that does not exceed the
25 operator’s cost to maintain the property, buildings and facilities. As used in this paragraph, “model
26 aircraft” means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
27 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
28 ground.
- 29 (u) A facility for the processing of farm products as described in ORS 215.255.
- 30 (v) Fire service facilities providing rural fire protection services.
- 31 (w) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational
32 facilities, not including parks or other recreational structures and facilities, associated with a dis-
33 trict as defined in ORS 540.505.
- 34 (x) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-
35 cilities or structures that end at the point where the utility service is received by the customer and
36 that are located on one or more of the following:
- 37 (A) A public right of way;
- 38 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-
39 jacent property owners has been obtained; or
- 40 (C) The property to be served by the utility.
- 41 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-
42 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
43 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
44 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of
45 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-

1 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this
 2 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application
 3 of biosolids is limited to treatment using treatment facilities that are portable, temporary and
 4 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land
 5 application of biosolids is authorized under the license, permit or other approval.

6 (z) Dog training classes or testing trials, which may be conducted outdoors or in farm buildings
 7 in existence on January 1, 2019, when:

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

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

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

13 (bb) A farm brewery, as described in ORS 215.449.

14 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
 15 the following uses may be established in any area zoned for exclusive farm use subject to ORS
 16 215.296:

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

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

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

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

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

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

33 (c) Commercial activities that are in conjunction with farm use, including the processing of farm
 34 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

35 (d) Operations conducted for:

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

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

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

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

42 (e) Community centers owned by a governmental agency or a nonprofit community organization
 43 and operated primarily by and for residents of the local rural community, hunting and fishing pre-
 44 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the
 45 county governing body or its designee, a private campground may provide yurts for overnight

1 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include
2 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
3 Upon request of a county governing body, the Land Conservation and Development Commission may
4 provide by rule for an increase in the number of yurts allowed on all or a portion of the
5 campgrounds in a county if the commission determines that the increase will comply with the stan-
6 dards described in ORS 215.296 (1). A public park or campground may be established as provided
7 under ORS 195.120. As used in this paragraph, "yurt" means a round, domed shelter of cloth or
8 canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appli-
9 ance.

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

11 (g) [*Commercial*] Utility facilities for the purpose of generating power for public use by sale[. *If*
12 *the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation*
13 *facility may be established as a commercial utility facility as provided in ORS 215.447. A renewable*
14 *energy facility as defined in ORS 215.446 may be established as a commercial utility facility]*

15 **or for supporting allowable farm or nonfarm uses on the tract, including facilities as described in**
16 **ORS 215.446, 215.447 or section 2 of this 2025 Act.**

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

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

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

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

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

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

41 (m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
42 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
43 shall not include any species under quarantine by the State Department of Agriculture or the United
44 States Department of Agriculture. The county shall provide notice of all applications under this
45 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the

1 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
 2 tive decision or initial public hearing on the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (aa) Child care facilities, preschool recorded programs or school-age recorded programs that are:

44 (A) Authorized under ORS 329A.250 to 329A.450;

45 (B) Primarily for the children of residents and workers of the rural area in which the facility

1 or program is located; and

2 (C) Colocated with a community center or a public or private school allowed under this sub-
3 section.

4 (3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
5 a single-family residential dwelling not provided in conjunction with farm use may be established
6 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by
7 the Agricultural Capability Classification System in use by the United States Department of Agri-
8 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval
9 of the governing body or its 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 a significant change in
12 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (i) Planned hours of operation;

44 (ii) Access, egress and parking;

45 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-

1 ipated use of public roads; and

2 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

29 (D) Must comply with ORS 215.296;

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

32 (F) Must comply with conditions established for:

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

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

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

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

42 (v) Sanitation and solid waste.

43 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
 44 or other commercial events or activities that occur more frequently or for a longer period or that
 45 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other

1 commercial events or activities comply with any local standards that apply and the agri-tourism or
 2 other commercial events or activities:

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

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

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

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

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

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

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

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

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

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

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

33 **SECTION 4.** ORS 215.283 is amended to read:

34 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

41 (A) ORS 215.275; or

42 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
 43 469.300.

44 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
 45 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,

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

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

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

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

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

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

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

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

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

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

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

34 (o) Farm stands if:

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

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

44 (p) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS
45 215.291.

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

12 (r) A facility for the processing of farm products as described in ORS 215.255.

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

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

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

20 (A) A public right of way;

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

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

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

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

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

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

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

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

44 (z) A farm brewery, as described in ORS 215.449.

45 (2) The following nonfarm uses may be established, subject to the approval of the governing body

1 or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

2 (a) Commercial activities that are in conjunction with farm use, including the processing of farm
3 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

4 (b) Operations conducted for:

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

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

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

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

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

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

23 (e) Community centers owned by a governmental agency or a nonprofit community organization
24 and operated primarily by and for residents of the local rural community. A community center au-
25 thorized under this paragraph may provide services to veterans, including but not limited to emer-
26 gency and transitional shelter, preparation and service of meals, vocational and educational
27 counseling and referral to local, state or federal agencies providing medical, mental health, disability
28 income replacement and substance abuse services, only in a facility that is in existence on January
29 1, 2006. The services may not include direct delivery of medical, mental health, disability income
30 replacement or substance abuse services.

31 (f) Golf courses on land:

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

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

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

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

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

37 (g) *[Commercial]* Utility facilities for the purpose of generating power for public use by sale. *If*
38 *the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation*
39 *facility may be established as a commercial utility facility as provided in ORS 215.447. A renewable*
40 *energy facility as defined in ORS 215.446 may be established as a commercial utility facility]* **or for**
41 **supporting allowable farm or nonfarm uses on the tract, including facilities as described in**
42 **ORS 215.446, 215.447 or section 2 of this 2025 Act.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (cc) Guest ranches in eastern Oregon, as described in ORS 215.461.

35 (dd) Child care facilities, preschool recorded programs or school-age recorded programs that are:

36 (A) Authorized under ORS 329A.250 to 329A.450;

37 (B) Primarily for the children of residents and workers of the rural area in which the facility
 38 or program is located; and

39 (C) Colocated with a community center or a public or private school allowed under this sub-
 40 section.

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

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

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

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

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

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

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

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

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

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

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

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

23 (i) Planned hours of operation;

24 (ii) Access, egress and parking;

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

27 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

45 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to

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

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

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

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

9 (D) Must comply with ORS 215.296;

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

12 (F) Must comply with conditions established for:

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

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

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

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

22 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

43 (a) A county may authorize the use of temporary structures established in connection with the
 44 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.
 45 However, the temporary structures must be removed at the end of the agri-tourism or other event

1 or activity. The county may not approve an alteration to the land in connection with an agri-tourism
 2 or other commercial event or activity authorized under subsection (4) of this section, including, but
 3 not limited to, grading, filling or paving.

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

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

13 **SECTION 5.** ORS 215.447 is amended to read:

14 215.447. (1) As used in this section, “photovoltaic solar power generation facility” means an as-
 15 sembly of equipment and components that has the primary purpose of converting sunlight into
 16 electricity by photovoltaic effect and has the capability of storing or transferring the electricity.

17 (2) A photovoltaic solar power generation facility may be established **as a utility facility under**
 18 **ORS 215.213 (2) or 215.283 (2)** on land that is high-value farmland, as defined in ORS 195.300
 19 (10)(f)(C), provided the land:

20 (a) Is not located within the boundaries of an irrigation district;

21 (b) Is not at the time of the facility’s establishment, and was not at any time during the 20 years
 22 immediately preceding the facility’s establishment, the place of use of a water right permit, certif-
 23 icate, decree, transfer order or ground water registration authorizing the use of water for the pur-
 24 pose of irrigation;

25 (c) Is located within the service area of an electric utility described in ORS 469A.052 (2);

26 (d) Does not exceed the acreage the electric utility reasonably anticipates to be necessary to
 27 achieve the applicable renewable portfolio standard described in ORS 469A.052 (3); and

28 (e) Does not qualify as high-value farmland under any other provision of law.

29 (3) When evaluating an application to establish a photovoltaic solar power generation facility
 30 under this section, a county:

31 (a) Shall apply the criteria and standards applicable to agricultural land adopted under a state-
 32 wide land use planning goal relating to agricultural lands; and

33 (b) May not apply the criteria and standards applicable to high-value farmland adopted under
 34 a statewide land use planning goal relating to agricultural lands.

35 (4) A county is not required to adopt an exception under ORS 197.732 to a statewide land use
 36 planning goal relating to agricultural land to authorize the establishment of a photovoltaic solar
 37 power generation facility under this section.

38 (5) A photovoltaic solar power generation facility **may be** established under this section [*is a*
 39 *commercial utility facility under ORS 215.213 (2) or 215.283 (2)*] **only** if the facility generates power
 40 for public use by sale.