

**B-Engrossed**  
**House Bill 2329**

Ordered by the House June 19  
Including House Amendments dated April 16 and June 19

Sponsored by Representative HELM, Senator BENTZ; Representatives POWER, SMITH DB, WILDE (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.

Modifies definition of "energy facility" for purposes of regulation of energy facilities by Energy Facility Siting Council. Broadens provisions for types of electric power generating plants that may elect to obtain site certificate from council if otherwise not required to obtain site certificate.

Allows counties to approve permits for certain small renewable energy facilities. Establishes permit criteria.

**A BILL FOR AN ACT**

1  
2 Relating to energy facilities; creating new provisions; and amending ORS 215.213, 215.283, 469.300  
3 and 469.320.

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

5 **SECTION 1.** ORS 469.300 is amended to read:

6 469.300. As used in ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992, unless the  
7 context requires otherwise:

8 (1) "Applicant" means any person who makes application for a site certificate in the manner  
9 provided in ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992.

10 (2) "Application" means a request for approval of a particular site or sites for the construction  
11 and operation of an energy facility or the construction and operation of an additional energy facility  
12 upon a site for which a certificate has already been issued, filed in accordance with the procedures  
13 established pursuant to ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992.

14 (3) "Associated transmission lines" means new transmission lines constructed to connect an en-  
15 ergy facility to the first point of junction of such transmission line or lines with either a power  
16 distribution system or an interconnected primary transmission system or both or to the Northwest  
17 Power Grid.

18 (4) "Average electric generating capacity" means the peak generating capacity of the facility  
19 divided by one of the following factors:

20 (a) For wind facilities, 3.00;

21 (b) For geothermal energy facilities, 1.11; or

22 (c) For all other energy facilities, 1.00.

23 (5) "Combustion turbine power plant" means a thermal power plant consisting of one or more  
24 fuel-fired combustion turbines and any associated waste heat combined cycle generators.

25 (6) "Construction" means work performed on a site, excluding surveying, exploration or other  
26 activities to define or characterize the site, the cost of which exceeds \$250,000.

**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 (7) "Council" means the Energy Facility Siting Council established under ORS 469.450.

2 (8) "Department" means the State Department of Energy created under ORS 469.030.

3 (9) "Director" means the Director of the State Department of Energy appointed under ORS  
4 469.040.

5 (10) "Electric utility" means persons, regulated electrical companies, people's utility districts,  
6 joint operating agencies, electric cooperatives, municipalities or any combination thereof, engaged  
7 in or authorized to engage in the business of generating, supplying, transmitting or distributing  
8 electric energy.

9 (11)(a) "Energy facility" means any of the following:

10 (A) An electric power generating plant with a nominal electric generating capacity of 25 mega-  
11 watts or more, including but not limited to:

12 (i) Thermal power;

13 (ii) Combustion turbine power plant; or

14 (iii) Solar thermal power plant.

15 (B) A nuclear installation as defined in this section.

16 (C) A high voltage transmission line of more than 10 miles in length with a capacity of 230,000  
17 volts or more to be constructed in more than one city or county in this state, but excluding:

18 (i) Lines proposed for construction entirely within 500 feet of an existing corridor occupied by  
19 high voltage transmission lines with a capacity of 230,000 volts or more; *[and]*

20 (ii) Lines of 57,000 volts or more that are rebuilt and upgraded to 230,000 volts along the same  
21 right of way[.]; **and**

22 **(iii) Associated transmission lines.**

23 *[(D) A solar photovoltaic power generation facility using more than:]*

24 *[(i) 100 acres located on high-value farmland as defined in ORS 195.300;]*

25 *[(ii) 100 acres located on land that is predominantly cultivated or that, if not cultivated, is pre-*  
26 *dominantly composed of soils that are in capability classes I to IV, as specified by the National Co-*  
27 *operative Soil Survey operated by the Natural Resources Conservation Service of the United States*  
28 *Department of Agriculture; or]*

29 *[(iii) 320 acres located on any other land.]*

30 **(D) A solar photovoltaic power generation facility using more than:**

31 **(i) 160 acres located on high-value farmland as defined in ORS 195.300;**

32 **(ii) 1,280 acres located on land that is predominantly cultivated or that, if not cultivated,**  
33 **is predominantly composed of soils that are in capability classes I to IV, as specified by the**  
34 **National Cooperative Soil Survey operated by the Natural Resources Conservation Service**  
35 **of the United States Department of Agriculture; or**

36 **(iii) 1,920 acres located on any other land.**

37 (E) A pipeline that is:

38 (i) At least six inches in diameter, and five or more miles in length, used for the transportation  
39 of crude petroleum or a derivative thereof, liquefied natural gas, a geothermal energy form in a  
40 liquid state or other fossil energy resource, excluding a pipeline conveying natural or synthetic gas;

41 (ii) At least 16 inches in diameter, and five or more miles in length, used for the transportation  
42 of natural or synthetic gas, but excluding:

43 (I) A pipeline proposed for construction of which less than five miles of the pipeline is more than  
44 50 feet from a public road, as defined in ORS 368.001; or

45 (II) A parallel or upgraded pipeline up to 24 inches in diameter that is constructed within the

1 same right of way as an existing 16-inch or larger pipeline that has a site certificate, if all studies  
2 and necessary mitigation conducted for the existing site certificate meet or are updated to meet  
3 current site certificate standards; or

4 (iii) At least 16 inches in diameter and five or more miles in length used to carry a geothermal  
5 energy form in a gaseous state but excluding a pipeline used to distribute heat within a geothermal  
6 heating district established under ORS chapter 523.

7 (F) A synthetic fuel plant which converts a natural resource including, but not limited to, coal  
8 or oil to a gas, liquid or solid product intended to be used as a fuel and capable of being burned to  
9 produce the equivalent of two billion Btu of heat a day.

10 (G) A plant which converts biomass to a gas, liquid or solid product, or combination of such  
11 products, intended to be used as a fuel and if any one of such products is capable of being burned  
12 to produce the equivalent of six billion Btu of heat a day.

13 (H) A storage facility for liquefied natural gas constructed after September 29, 1991, that is de-  
14 signed to hold at least 70,000 gallons.

15 (I) A surface facility related to an underground gas storage reservoir that, at design injection  
16 or withdrawal rates, will receive or deliver more than 50 million cubic feet of natural or synthetic  
17 gas per day, or require more than 4,000 horsepower of natural gas compression to operate, but ex-  
18 cluding:

19 (i) The underground storage reservoir;

20 (ii) The injection, withdrawal or monitoring wells and individual wellhead equipment; and

21 (iii) An underground gas storage reservoir into which gas is injected solely for testing or res-  
22 ervoir maintenance purposes or to facilitate the secondary recovery of oil or other hydrocarbons.

23 (J) An electric power generating plant with an average electric generating capacity of [35] 50  
24 megawatts or more if the power is produced from geothermal or wind energy at a single energy fa-  
25 cility or within a single energy generation area.

26 (b) "Energy facility" does not include a hydroelectric facility or an energy facility under para-  
27 graph (a)(A)(iii) or (D) of this subsection that is established on the site of a decommissioned United  
28 States Air Force facility that has adequate transmission capacity to serve the energy facility.

29 (12) "Energy generation area" means an area within which the effects of two or more small  
30 generating plants may accumulate so the small generating plants have effects of a magnitude similar  
31 to a single generating plant of 35 megawatts average electric generating capacity or more. An "en-  
32 ergy generation area" for facilities using a geothermal resource and covered by a unit agreement,  
33 as provided in ORS 522.405 to 522.545 or by federal law, shall be defined in that unit agreement. If  
34 no such unit agreement exists, an energy generation area for facilities using a geothermal resource  
35 shall be the area that is within two miles, measured from the electrical generating equipment of the  
36 facility, of an existing or proposed geothermal electric power generating plant, not including the site  
37 of any other such plant not owned or controlled by the same person.

38 (13) "Extraordinary nuclear occurrence" means any event causing a discharge or dispersal of  
39 source material, special nuclear material or by-product material as those terms are defined in ORS  
40 453.605, from its intended place of confinement off-site, or causing radiation levels off-site, that the  
41 United States Nuclear Regulatory Commission or its successor determines to be substantial and to  
42 have resulted in or to be likely to result in substantial damages to persons or property off-site.

43 (14) "Facility" means an energy facility together with any related or supporting facilities.

44 (15) "Geothermal reservoir" means an aquifer or aquifers containing a common geothermal fluid.

45 (16) "Local government" means a city or county.

1 (17) "Nominal electric generating capacity" means the maximum net electric power output of  
2 an energy facility based on the average temperature, barometric pressure and relative humidity at  
3 the site during the times of the year when the facility is intended to operate.

4 (18) "Nuclear incident" means any occurrence, including an extraordinary nuclear occurrence,  
5 that results in bodily injury, sickness, disease, death, loss of or damage to property or loss of use  
6 of property due to the radioactive, toxic, explosive or other hazardous properties of source material,  
7 special nuclear material or by-product material as those terms are defined in ORS 453.605.

8 (19) "Nuclear installation" means any power reactor, nuclear fuel fabrication plant, nuclear fuel  
9 reprocessing plant, waste disposal facility for radioactive waste, and any facility handling that  
10 quantity of fissionable materials sufficient to form a critical mass. "Nuclear installation" does not  
11 include any such facilities that are part of a thermal power plant.

12 (20) "Nuclear power plant" means an electrical or any other facility using nuclear energy with  
13 a nominal electric generating capacity of 25 megawatts or more, for generation and distribution of  
14 electricity, and associated transmission lines.

15 (21) "Person" means an individual, partnership, joint venture, private or public corporation, as-  
16 sociation, firm, public service company, political subdivision, municipal corporation, government  
17 agency, people's utility district, or any other entity, public or private, however organized.

18 (22) "Project order" means the order, including any amendments, issued by the State Department  
19 of Energy under ORS 469.330.

20 (23)(a) "Radioactive waste" means all material which is discarded, unwanted or has no present  
21 lawful economic use, and contains mined or refined naturally occurring isotopes, accelerator  
22 produced isotopes and by-product material, source material or special nuclear material as those  
23 terms are defined in ORS 453.605. The term does not include those radioactive materials identified  
24 in OAR 345-50-020, 345-50-025 and 345-50-035, adopted by the council on December 12, 1978, and re-  
25 vised periodically for the purpose of adding additional isotopes which are not referred to in OAR  
26 345-50 as presenting no significant danger to the public health and safety.

27 (b) Notwithstanding paragraph (a) of this subsection, "radioactive waste" does not include ura-  
28 nium mine overburden or uranium mill tailings, mill wastes or mill by-product materials as those  
29 terms are defined in Title 42, United States Code, section 2014, on June 25, 1979.

30 (24) "Related or supporting facilities" means any structure, proposed by the applicant, to be  
31 constructed or substantially modified in connection with the construction of an energy facility, in-  
32 cluding associated transmission lines, reservoirs, storage facilities, intake structures, road and rail  
33 access, pipelines, barge basins, office or public buildings, and commercial and industrial structures.  
34 "Related or supporting facilities" does not include geothermal or underground gas storage reser-  
35 voirs, production, injection or monitoring wells or wellhead equipment or pumps.

36 (25) "Site" means any proposed location of an energy facility and related or supporting facilities.

37 (26) "Site certificate" means the binding agreement between the State of Oregon and the appli-  
38 cant, authorizing the applicant to construct and operate a facility on an approved site, incorporating  
39 all conditions imposed by the council on the applicant.

40 (27) "Thermal power plant" means an electrical facility using any source of thermal energy with  
41 a nominal electric generating capacity of 25 megawatts or more, for generation and distribution of  
42 electricity, and associated transmission lines, including but not limited to a nuclear-fueled,  
43 geothermal-fueled or fossil-fueled power plant, but not including a portable power plant the principal  
44 use of which is to supply power in emergencies. "Thermal power plant" includes a nuclear-fueled  
45 thermal power plant that has ceased to operate.

1 (28) "Transportation" means the transport within the borders of the State of Oregon of radio-  
2 active material destined for or derived from any location.

3 (29) "Underground gas storage reservoir" means any subsurface sand, strata, formation, aquifer,  
4 cavern or void, whether natural or artificially created, suitable for the injection, storage and with-  
5 drawal of natural gas or other gaseous substances. "Underground gas storage reservoir" includes a  
6 pool as defined in ORS 520.005.

7 (30) "Utility" includes:

8 (a) A person, a regulated electrical company, a people's utility district, a joint operating agency,  
9 an electric cooperative, municipality or any combination thereof, engaged in or authorized to engage  
10 in the business of generating, transmitting or distributing electric energy;

11 (b) A person or public agency generating electric energy from an energy facility for its own  
12 consumption; and

13 (c) A person engaged in this state in the transmission or distribution of natural or synthetic gas.

14 (31) "Waste disposal facility" means a geographical site in or upon which radioactive waste is  
15 held or placed but does not include a site at which radioactive waste used or generated pursuant  
16 to a license granted under ORS 453.635 is stored temporarily, a site of a thermal power plant used  
17 for the temporary storage of radioactive waste from that plant for which a site certificate has been  
18 issued pursuant to this chapter or a site used for temporary storage of radioactive waste from a  
19 reactor operated by a college, university or graduate center for research purposes and not con-  
20 nected to the Northwest Power Grid. As used in this subsection, "temporary storage" includes  
21 storage of radioactive waste on the site of a nuclear-fueled thermal power plant for which a site  
22 certificate has been issued until a permanent storage site is available by the federal government.

23 **SECTION 2.** ORS 469.320 is amended to read:

24 469.320. (1) Except as provided in subsections (2) and (5) of this section, no facility shall be  
25 constructed or expanded unless a site certificate has been issued for the site thereof in the manner  
26 provided in ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992. No facility shall be  
27 constructed or operated except in conformity with the requirements of ORS 469.300 to 469.563,  
28 469.590 to 469.619, 469.930 and 469.992.

29 (2) A site certificate is not required for:

30 (a) An energy facility for which no site certificate has been issued that, on August 2, 1993, had  
31 operable electric generating equipment for a modification that uses the same fuel type and increases  
32 electric generating capacity, if:

33 (A) The site is not enlarged; and

34 (B) The ability of the energy facility to use fuel for electricity production under peak steady  
35 state operating conditions is not more than 200 million Btu per hour greater than it was on August  
36 2, 1993, or the energy facility expansion is called for in the short-term plan of action of an energy  
37 resource plan that has been acknowledged by the Public Utility Commission of Oregon.

38 (b) Construction or expansion of any interstate natural gas pipeline or associated underground  
39 natural gas storage facility authorized by and subject to the continuing regulation of the Federal  
40 Energy Regulatory Commission or successor agency.

41 (c) An energy facility, except coal and nuclear power plants, if the energy facility:

42 (A) Sequentially produces electrical energy and useful thermal energy from the same fuel source;  
43 and

44 (B) Under average annual operating conditions, has a nominal electric generating capacity:

45 (i) Of less than 50 megawatts and the fuel chargeable to power heat rate value is not greater

1 than 6,000 Btu per kilowatt hour;

2 (ii) Of 50 megawatts or more and the fuel chargeable to power heat rate value is not greater  
3 than 5,500 Btu per kilowatt hour; or

4 (iii) Specified by the Energy Facility Siting Council by rule based on the council's determination  
5 relating to emissions of the energy facility.

6 (d) Temporary storage, at the site of a nuclear-fueled thermal power plant for which a site cer-  
7 tificate has been issued by the State of Oregon, of radioactive waste from the plant.

8 (e) An energy facility as defined in ORS 469.300 (11)(a)(G), if the plant also produces a secondary  
9 fuel used on site for the production of heat or electricity, if the output of the primary fuel is less  
10 than six billion Btu of heat a day.

11 (f) An energy facility as defined in ORS 469.300 (11)(a)(G), if the facility:

12 (A) Exclusively uses biomass, including but not limited to grain, whey, potatoes, oilseeds, waste  
13 vegetable oil or cellulosic biomass, as the source of material for conversion to a liquid fuel;

14 (B) Has received local land use approval under the applicable acknowledged comprehensive plan  
15 and land use regulations of the affected local government and the facility complies with any state-  
16 wide planning goals or rules of the Land Conservation and Development Commission that are di-  
17 rectly applicable to the facility;

18 (C) Requires no new electric transmission lines or gas or petroleum product pipelines that would  
19 require a site certificate under subsection (1) of this section;

20 (D) Produces synthetic fuel, at least 90 percent of which is used in an industrial or refueling  
21 facility located within one mile of the facility or is transported from the facility by rail or barge;  
22 and

23 (E) Emits less than 118 pounds of carbon dioxide per million Btu from fossil fuel used for con-  
24 version energy.

25 (g) A standby generation facility, if the facility complies with all of the following:

26 (A) The facility has received local land use approval under the applicable acknowledged com-  
27 prehensive plan and land use regulations of the affected local government and the facility complies  
28 with all statewide planning goals and applicable rules of the Land Conservation and Development  
29 Commission;

30 (B) The standby generators have been approved by the Department of Environmental Quality  
31 as having complied with all applicable air and water quality requirements. For an applicant that  
32 proposes to provide the physical facilities for the installation of standby generators, the requirement  
33 of this subparagraph may be met by agreeing to require such a term in the lease contract for the  
34 facility; and

35 (C) The standby generators are electrically incapable of being interconnected to the trans-  
36 mission grid. For an applicant that proposes to provide the physical facilities for the installation of  
37 standby generators, the requirement of this subparagraph may be met by agreeing to require such  
38 a term in the lease contract for the facility.

39 (3) The Energy Facility Siting Council may review and, if necessary, revise the fuel chargeable  
40 to power heat rate value set forth in subsection (2)(c)(B) of this section. In making its determination,  
41 the council shall ensure that the fuel chargeable to power heat rate value for facilities set forth in  
42 subsection (2)(c)(B) of this section remains significantly lower than the fuel chargeable to power  
43 heat rate value for the best available, commercially viable thermal power plant technology at the  
44 time of the revision.

45 (4) Any person who proposes to construct or enlarge an energy facility and who claims an ex-

1 exemption under subsection (2)(a), (c), (f) or (g) of this section from the requirement to obtain a site  
2 certificate shall request the Energy Facility Siting Council to determine whether the proposed fa-  
3 cility qualifies for the claimed exemption. The council shall make its determination within 60 days  
4 after the request for exemption is filed. An appeal from the council's determination on a request for  
5 exemption shall be made under ORS 469.403, except that the scope of review by the Supreme Court  
6 shall be the same as a review by a circuit court under ORS 183.484. The record on review by the  
7 Supreme Court shall be the record established in the council proceeding on the exemption.

8 (5) Notwithstanding subsection (1) of this section, a separate site certificate shall not be re-  
9 quired for:

10 (a) Transmission lines, storage facilities, pipelines or similar related or supporting facilities, if  
11 such related or supporting facilities are addressed in and are subject to a site certificate for another  
12 energy facility;

13 (b) Expansion within the site or within the energy generation area of a facility for which a site  
14 certificate has been issued, if the existing site certificate has been amended to authorize expansion;  
15 or

16 (c) Expansion, either within the site or outside the site, of an existing council certified surface  
17 facility related to an underground gas storage reservoir, if the existing site certificate is amended  
18 to authorize expansion.

19 (6) If the substantial loss of the steam host causes a facility exempt under subsection (2)(c) of  
20 this section to substantially fail to meet the exemption requirements under subsection (2)(c) of this  
21 section, the electric generating facility shall cease to operate one year after the substantial loss of  
22 the steam host unless an application for a site certificate has been filed in accordance with the  
23 provisions of ORS 469.300 to 469.563.

24 (7) As used in this section:

25 (a) "Standby generation facility" means an electric power generating facility, including standby  
26 generators and the physical structures necessary to install and connect standby generators, that  
27 provides temporary electric power in the event of a power outage and that is electrically incapable  
28 of being interconnected with the transmission grid.

29 (b) "Total energy output" means the sum of useful thermal energy output and useful electrical  
30 energy output.

31 (c) "Useful thermal energy" means the verifiable thermal energy used in any viable industrial  
32 or commercial process, heating or cooling application.

33 *[(8) Notwithstanding the definition of "energy facility" in ORS 469.300 (11)(a)(J), an electric power*  
34 *generating plant with an average electric generating capacity of less than 35 megawatts produced from*  
35 *wind energy at a single energy facility or within a single energy generation area may elect to obtain*  
36 *a site certificate in the manner provided in ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and*  
37 *469.992. An election to obtain a site certificate under this subsection shall be final upon submission of*  
38 *an application for a site certificate.]*

39 **(8)(a) If the developer of a facility elects, or the governing body of the local government**  
40 **after consulting with the developer elects, to defer regulatory authority to the Energy Fa-**  
41 **cility Siting Council, the developer of a facility shall obtain a site certificate, in the manner**  
42 **provided in ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992, for a facility that,**  
43 **notwithstanding the definition of "energy facility" in ORS 469.300, is:**

44 **(A) An electric power generating plant with an average electric generating capacity of**  
45 **less than 50 megawatts produced from wind energy at a single energy facility or within a**

1 single energy generation area;

2 (B) An associated transmission line; or

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

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

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

8 (d) A local government may not make an election under this subsection after a permit  
9 application has been submitted under ORS 215.416 or 227.175.

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

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

12 (a) "Renewable energy facility" means an electric power generating plant that generates  
13 electricity from a renewable energy source.

14 (b) "Renewable energy facility" does not mean:

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

16 (B) A solar photovoltaic power generation facility using:

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

18 (ii) 100 acres or less located on land that is predominantly cultivated or that, if not cul-  
19 tivated, is predominantly composed of soils that are in capability classes I to IV, as specified  
20 by the National Cooperative Soil Survey operated by the Natural Resources Conservation  
21 Service of the United States Department of Agriculture; or

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

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

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

25 (2) An application for a land use permit to establish a renewable energy facility must be  
26 made under ORS 215.416. An applicant must demonstrate to the satisfaction of the county  
27 that the renewable energy facility meets the standards under subsection (3) of this section.

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

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

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

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

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

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

42 (A) Listed on the National Register of Historic Places under the National Historic Pres-  
43 ervation Act (P.L. 89-665, 54 U.S.C. 300101 et seq.);

44 (B) Inventoried in a local comprehensive plan; or

45 (C) Evaluated as a significant or important archaeological object or archaeological site,

1 as those terms are defined in ORS 358.905.

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

7 (d) Meet the general and specific standards for a renewable energy facility adopted by the  
8 Energy Facility Siting Council under ORS 469.470 (2) and 469.501 that the county determines  
9 are applicable.

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

12 (4) Upon receipt of a reasonable cost estimate from the state agency or tribe, the appli-  
13 cant and county may jointly enter into a cost reimbursement agreement administered by the  
14 county with:

15 (a) The State Department of Fish and Wildlife to receive comments under subsection  
16 (3)(a) of this section.

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

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

21 (5) A county that receives an application for a permit under this section shall, upon re-  
22 ceipt of the application, provide notice to persons listed in subsection (6) of this section. The  
23 notice must include, at a minimum:

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

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

26 (c) The dates, times and locations where public comments or public testimony on the  
27 permit application can be submitted; and

28 (d) The contact information for the governing body of the county and the applicant.

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

30 (a) The State Department of Fish and Wildlife;

31 (b) The State Department of Energy;

32 (c) The State Historic Preservation Officer;

33 (d) The Oregon Department of Aviation;

34 (e) The United States Department of Defense; and

35 (f) Federally recognized Indian tribes that may be affected by the application.

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

38 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
39 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

1 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (r) Farm stands if:

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

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

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

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

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

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

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

44 (x) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-  
45 cilities or structures that end at the point where the utility service is received by the customer and

1 that are located on one or more of the following:

2 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (d) Operations conducted for:

45 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas

1 as defined by ORS 520.005, not otherwise permitted under subsection (1)(g) of this section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (b) The dwelling is situated upon generally unsuitable land for the production of farm crops and  
16 livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location  
17 and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size  
18 or location 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 designee considers neces-  
20 sary.

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

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

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

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

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

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

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

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

1 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of  
2 this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (i) Planned hours of operation;

- 1 (ii) Access, egress and parking;
- 2 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-
- 3 ipated use of public roads; and
- 4 (iv) Sanitation and solid waste.
- 5 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
- 6 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
- 7 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
- 8 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
- 9 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
- 10 To approve an expedited, single-event license, the governing body of a county or its designee must
- 11 determine that the proposed agri-tourism or other commercial event or activity meets any local
- 12 standards that apply, and the agri-tourism or other commercial event or activity:
- 13 (A) Must be incidental and subordinate to existing farm use on the tract;
- 14 (B) May not begin before 6 a.m. or end after 10 p.m.;
- 15 (C) May not involve more than 100 attendees or 50 vehicles;
- 16 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 17 (E) May not require or involve the construction or use of a new permanent structure in con-
- 18 nection with the agri-tourism or other commercial event or activity;
- 19 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
- 20 properties consent, in writing, to the location; and
- 21 (G) Must comply with applicable health and fire and life safety requirements.
- 22 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
- 23 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
- 24 use permit that is personal to the applicant and is not transferred by, or transferable with, a
- 25 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
- 26 local standards that apply, and the agri-tourism or other commercial events or activities:
- 27 (A) Must be incidental and subordinate to existing farm use on the tract;
- 28 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 29 (C) May not require that a new permanent structure be built, used or occupied in connection
- 30 with the agri-tourism or other commercial events or activities;
- 31 (D) Must comply with ORS 215.296;
- 32 (E) May not, in combination with other agri-tourism or other commercial events or activities
- 33 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 34 (F) Must comply with conditions established for:
- 35 (i) The types of agri-tourism or other commercial events or activities that are authorized during
- 36 each calendar year, including the number and duration of the agri-tourism or other commercial
- 37 events and activities, the anticipated daily attendance and the hours of operation;
- 38 (ii) The location of existing structures and the location of proposed temporary structures to be
- 39 used in connection with the agri-tourism or other commercial events or activities;
- 40 (iii) The location of access and egress and parking facilities to be used in connection with the
- 41 agri-tourism or other commercial events or activities;
- 42 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
- 43 public roads; and
- 44 (v) Sanitation and solid waste.
- 45 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism

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

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

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

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

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

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

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

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

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

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

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

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

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

38 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
39 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

1 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (C) Has interior wiring for interior lights;

10 (D) Has a heating system; and

11 (E) In the case of replacement:

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

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

34 (r) 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 (s) An armed forces reserve center, if the center is within one-half mile of a community college.  
45 For purposes of this paragraph, "armed forces reserve center" includes an armory or National

1 Guard support facility.

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

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

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

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

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

29 (A) A public right of way;

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

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

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

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

45 (A) The number of dogs participating in training does not exceed 10 dogs per training class and

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

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

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

5 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
6 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
7 215.296:

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

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

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

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

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

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

24 (c) Commercial activities that are in conjunction with farm use, including the processing of farm  
25 crops into biofuel not permitted under ORS 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 522.005 and oil and gas  
28 as defined by ORS 520.005, not otherwise permitted under subsection (1)(g) of this section;

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

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

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

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

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

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

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

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

24 (j) A site for the disposal of solid waste approved by the governing body of a city or county or  
25 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-  
26 mental Quality together with 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 under subsection (1)(z) of  
29 this section.

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

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

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

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

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

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

44 (r) Improvement of public road and highway related facilities such as maintenance yards, weigh  
45 stations and rest areas, where additional property or right of way is required but not resulting in

1 the creation of new land parcels.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,  
31 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

45 (10) Roads, highways and other transportation facilities and improvements not allowed under

1 subsections (1) and (2) of this section may be established, subject to the approval of the governing  
2 body or its designee, in areas zoned for exclusive farm use subject to:

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

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

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

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

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

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

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

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

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

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

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

27 (i) Planned hours of operation;

28 (ii) Access, egress and parking;

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

31 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

13 (D) Must comply with ORS 215.296;

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

16 (F) Must comply with conditions established for:

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

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

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

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

26 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

26 (A) ORS 215.275; or

27 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
28 469.300.

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

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

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

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

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

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

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

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

15 (L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has  
16 been listed in a county inventory as historic property 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 livestock grown on the  
21 farm operation, or grown on the farm operation and other farm operations in the local agricultural  
22 area, including the sale of 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 items and fees from pro-  
24 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;  
25 and

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

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

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

42 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS  
43 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm  
44 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry  
45 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing

1 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor  
2 area to the processing facility or establishment, exclusive of the floor area designated for prepara-  
3 tion, storage or other farm use. A processing facility or establishment must comply with all appli-  
4 cable siting standards but the standards may not be applied in a manner that prohibits the siting  
5 of the processing facility or establishment.

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

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

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

13 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

41 (b) Operations conducted for:

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

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

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

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

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

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

15 (e) Community centers owned by a governmental agency or a nonprofit community organization  
16 and operated primarily by and for residents of the local rural community. A community center au-  
17 thorized under this paragraph may provide services to veterans, including but not limited to emer-  
18 gency and transitional shelter, preparation and service of meals, vocational and educational  
19 counseling and referral to local, state or federal agencies providing medical, mental health, disability  
20 income replacement and substance abuse services, only in a facility that is in existence on January  
21 1, 2006. The services may not include direct delivery of medical, mental health, disability income  
22 replacement or substance abuse services.

23 (f) Golf courses on land:

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

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

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

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

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

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

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

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

44 (j) A facility for the primary processing of forest products, provided that such facility is found  
45 to not seriously interfere with accepted farming practices and is compatible with farm uses de-

1 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is  
2 renewable. These facilities are intended to be only portable or temporary in nature. The primary  
3 processing of a forest product, as used in this section, means the use of a portable chipper or stud  
4 mill or other similar methods of initial treatment of a forest product in order to enable its shipment  
5 to market. Forest products, as used in this section, means timber grown upon a parcel of land or  
6 contiguous land where the primary processing facility is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (x) A living history museum related to resource based activities owned and operated by a gov-  
45 ernmental agency or a local historical society, together with limited commercial activities and fa-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (i) Planned hours of operation;

8 (ii) Access, egress and parking;

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

11 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

38 (D) Must comply with ORS 215.296;

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

41 (F) Must comply with conditions established for:

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

45 (ii) The location of existing structures and the location of proposed temporary structures to be

1 used in connection with the agri-tourism or other commercial events or activities;

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

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

6 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

42 **SECTION 8.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, section 4,  
43 chapter 148, Oregon Laws 2017, section 6, chapter 253, Oregon Laws 2017, section 2, chapter 393,  
44 Oregon Laws 2017, section 6, chapter 504, Oregon Laws 2017, and section 4, chapter 119, Oregon  
45 Laws 2018, is amended to read:

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

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

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

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

8 (A) ORS 215.275; or

9 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
10 469.300.

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

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

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

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

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

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

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

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

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

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

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

1 (o) Farm stands if:

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

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

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

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

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

15 (C) Has interior wiring for interior lights;

16 (D) Has a heating system; and

17 (E) In the case of replacement:

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

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

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

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

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

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

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

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

22 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

5 (b) Operations conducted for:

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

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

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

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

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

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

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

32 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

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

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

43 (a) A county may authorize a single agri-tourism or other commercial event or activity on a  
44 tract in a calendar year by an authorization that is personal to the applicant and is not transferred  
45 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event

1 or activity meets any local standards that apply and:

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

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

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

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

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

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

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

16 (i) Planned hours of operation;

17 (ii) Access, egress and parking;

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

20 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

45 (C) May not require that a new permanent structure be built, used or occupied in connection

1 with the agri-tourism or other commercial events or activities;

2 (D) Must comply with ORS 215.296;

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

5 (F) Must comply with conditions established for:

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

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

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

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

15 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

1 authorized by the permit.

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

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