

Senate Bill 287

Sponsored by Senator ROBLAN (Presession filed.)

SUMMARY

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

Establishes standards for establishment of farm breweries that produce less than 150,000 gallons of malt beverages on lands zoned for exclusive farm use or mixed farm and forest use.

A BILL FOR AN ACT

Relating to farm breweries; creating new provisions; and amending ORS 215.213 and 215.283.

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

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 215.

SECTION 2. (1) As used in this section:

(a) "Agri-tourism or other commercial events" includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of malt beverages produced in conjunction with the farm brewery is a secondary purpose of the event.

(b) "Farm brewery" means a facility, located on or contiguous to a hop farm, used primarily for the commercial production, shipping and distribution, wholesale or retail sales, or tasting of malt beverages made with ingredients grown on the hop farm.

(c) "Hop farm" means a tract of land planted with hops.

(d) "Malt beverage" has the meaning given that term in ORS 471.001.

(e) "On-site retail sale" includes the retail sale of malt beverages in person at the farm brewery site, through a club or over the Internet or telephone.

(2)(a) A farm brewery may be established as a permitted use on land zoned for exclusive farm use under ORS 215.213 (1)(bb) and 215.283 (1)(z) or on land zoned for mixed farm and forest use if the farm brewery produces less than 150,000 barrels of malt beverages annually, inclusive of malt beverages produced by the farm brewery's owners or operators at the farm brewery or elsewhere, through any entity owned or affiliated with the farm brewery, and the farm brewery:

(A) Owns an on-site hop farm of at least 25 acres;

(B) Owns a contiguous hop farm of at least 25 acres;

(C) Has a long-term contract for the purchase of all of the hops from at least 25 acres of a hop farm contiguous to the farm brewery; or

(D) Obtains hops from a total of 25 acres from any combination of sources described in subparagraph (A), (B) or (C) of this paragraph.

(b) For purposes of this subsection, land planted with other ingredients used in malt beverages produced by the farm brewery counts towards the acreage minimums.

(3) In addition to any other activities authorized for a farm brewery, a farm brewery

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 established under this section may:

2 (a) Market malt beverages produced in conjunction with the farm brewery.

3 (b) Conduct operations that are directly related to the sale or marketing of malt
4 beverages produced in conjunction with the farm brewery, including:

5 (A) Malt beverage tastings in a tasting room or other location on the premises occupied
6 by the farm brewery;

7 (B) Malt beverage club activities;

8 (C) Brewer luncheons and dinners;

9 (D) Farm brewery and hop farm tours;

10 (E) Meetings or business activities with farm brewery suppliers, distributors, wholesale
11 customers and malt beverage industry members;

12 (F) Farm brewery staff activities;

13 (G) Open house promotions of malt beverages produced in conjunction with the farm
14 brewery; and

15 (H) Similar activities conducted for the primary purpose of promoting malt beverages
16 produced in conjunction with the farm brewery.

17 (c) Market and sell items directly related to the sale or promotion of malt beverages
18 produced in conjunction with the farm brewery, the marketing and sale of which is incidental
19 to on-site retail sale of malt beverages, including food and beverages:

20 (A) Required to be made available in conjunction with the consumption of malt beverages
21 on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act;
22 or

23 (B) Served in conjunction with an activity authorized by paragraph (b), (d) or (e) of this
24 subsection.

25 (d) Subject to subsections (6) to (9) of this section, carry out agri-tourism or other
26 commercial events on the tract occupied by the farm brewery.

27 (e) Host charitable activities for which the farm brewery does not charge a facility rental
28 fee.

29 (f) Site a bed and breakfast as a home occupation on the same tract as, and in associ-
30 ation with, the farm brewery.

31 (4) A farm brewery may include on-site kitchen facilities licensed by the Oregon Health
32 Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described
33 in subsection (3)(c) of this section. Food and beverage services authorized under subsection
34 (3)(c) of this section may not utilize menu options or meal services that cause the kitchen
35 facilities to function as a cafe or other dining establishment open to the public.

36 (5)(a) The gross income of the farm brewery from the sale of incidental items or services
37 provided pursuant to subsection (3)(c) to (e) of this section may not exceed 25 percent of the
38 gross income from the on-site retail sale of malt beverages produced in conjunction with the
39 farm brewery. The gross income of a farm brewery does not include income received by third
40 parties unaffiliated with the farm brewery.

41 (b) At the request of a local government with land use jurisdiction over the site of a farm
42 brewery, the farm brewery shall submit to the local government a written statement pre-
43 pared by a certified public accountant that certifies the compliance of the farm brewery with
44 this subsection for the previous tax year.

45 (6) Except as provided by subsections (7) and (8) of this section, a farm brewery may

1 carry out agri-tourism or other commercial events described in subsection (3)(d) of this
2 section for up to 18 days per calendar year.

3 (7) A farm brewery in the Willamette Valley may carry out agri-tourism or other com-
4 mercial events as provided in subsection (6) of this section, provided:

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

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

8 (B) Is subject to an administrative review to determine necessary conditions pursuant
9 to subsection (8) of this section.

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

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

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

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

17 (A) Has a term of five years;

18 (B) Is subject to an administrative review to determine necessary conditions pursuant
19 to subsection (8) of this section; and

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

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

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

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

26 (8)(a) A local government with land use jurisdiction over the site of a farm brewery shall
27 ensure that agri-tourism or other commercial events occurring as described in subsection
28 (3)(d) of this section are subordinate to the production and sale of malt beverages and do not
29 create significant adverse impacts to uses on surrounding land.

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

33 (A) The number of event attendees;

34 (B) The hours of event operation;

35 (C) Access and parking;

36 (D) Traffic management;

37 (E) Noise management; and

38 (F) Sanitation and solid waste.

39 (9) A local government may charge a fee for processing a license or permit under sub-
40 sections (6) and (7) of this section. The fee may not exceed the actual or average cost of
41 providing the applicable licensing or permitting service.

42 (10) When a bed and breakfast facility is sited as a home occupation on the same tract
43 as a farm brewery as described in subsection (3)(f) of this section:

44 (a) The bed and breakfast facility may prepare and serve two meals per day to the reg-
45 istered guests of the bed and breakfast facility; and

1 **(b) The meals may be served at the bed and breakfast facility or at the farm brewery.**

2 **(11) A farm brewery operating under this section shall provide parking for all activities**
 3 **or uses of the tract on which the farm brewery is situated.**

4 **(12) A local government with land use jurisdiction over the site of a farm brewery shall**
 5 **ensure that the farm brewery complies with:**

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

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

9 **(c) Regulations for resource protection acknowledged to comply with any statewide goal**
 10 **relating to open spaces, scenic and historic areas and natural resources.**

11 **(13)(a) For the purpose of limiting demonstrated conflicts with accepted farm and forest**
 12 **practices on adjacent lands, a local government with land use jurisdiction over the site of a**
 13 **farm brewery shall:**

14 **(A) Except as provided in paragraph (b) of this subsection, establish a setback of at least**
 15 **100 feet from all property lines for the farm brewery and all public gathering places; and**

16 **(B) Require farm breweries to provide direct road access and internal circulation for the**
 17 **farm brewery and all public gathering places.**

18 **(b) A local government may allow a setback of less than 100 feet by granting a farm**
 19 **brewery an adjustment or variance to the requirement described in paragraph (a)(A) of this**
 20 **subsection.**

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

23 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
 24 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

31 (A) ORS 215.275; or

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

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

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

45 (f) Subject to ORS 215.279, primary or accessory dwellings customarily provided in conjunction

1 with farm use. For a primary dwelling, the dwelling must be on a lot or parcel that is managed as
2 part of a farm operation and is not smaller than the minimum lot size in a farm zone with a minimum
3 lot size acknowledged under ORS 197.251.

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

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

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

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

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

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

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

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

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

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

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

37 (r) Farm stands if:

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

44 (B) The farm stand does not include structures designed for occupancy as a residence or for
45 activity other than the sale of farm crops or livestock and does not include structures for banquets,

1 public gatherings or public entertainment.

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

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

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

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

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

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

32 (A) A public right of way;

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

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

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

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

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

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

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

8 **(bb) A farm brewery, as described in section 2 of this 2019 Act.**

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

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

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

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

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

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

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

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

30 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (b) The dwelling is situated upon generally unsuitable land for the production of farm crops and
45 livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location

1 and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size
2 or location if it can reasonably be put to farm use in conjunction with other land.

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

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

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

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

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

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

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

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

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

32 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
33 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

45 (9) No final approval of a nonfarm use under this section shall be given unless any additional

1 taxes imposed upon the change in use have been paid.

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

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

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

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

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

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

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

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

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

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

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

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

29 (i) Planned hours of operation;

30 (ii) Access, egress and parking;

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

33 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

15 (D) Must comply with ORS 215.296;

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

18 (F) Must comply with conditions established for:

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

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

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

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

28 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (A) ORS 215.275; or

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

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

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

44 (f) Subject to ORS 215.279, primary or accessory dwellings customarily provided in conjunction
45 with farm use. For a primary dwelling, the dwelling must be on a lot or parcel that is managed as

1 part of a farm operation and is not smaller than the minimum lot size in a farm zone with a minimum
2 lot size acknowledged under ORS 197.251.

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (C) Has interior wiring for interior lights;

39 (D) Has a heating system; and

40 (E) In the case of replacement:

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

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

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

18 (r) Farm stands if:

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

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

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

31 (t) 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 (u) 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 (v) Fire service facilities providing rural fire protection services.

7 (w) 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 (x) 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 (y) 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 (z) Dog training classes or testing trials, which may be conducted outdoors or in preexisting
28 farm buildings, when:

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

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

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

34 **(bb) A farm brewery, as described in section 2 of this 2019 Act.**

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

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

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

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

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

1 product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than re-
2 quired under paragraph (a) of this subsection, if the lot or parcel:

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

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

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

11 (d) Operations conducted for:

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

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

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

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

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

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

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

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

44 (i) 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 (j) 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 (k)(A) Commercial dog boarding kennels; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 tablished; and

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

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

13 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
14 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (C) The maximum attendance at the agri-tourism or other commercial event or activity does not

1 exceed 500 people;

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

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

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

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

10 (i) Planned hours of operation;

11 (ii) Access, egress and parking;

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

14 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

41 (D) Must comply with ORS 215.296;

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

44 (F) Must comply with conditions established for:

45 (i) The types of agri-tourism or other commercial events or activities that are authorized during

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

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

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

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

9 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

45 **SECTION 5.** ORS 215.283, as amended by section 3, chapter 119, Oregon Laws 2018, is amended

1 to read:

2 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

9 (A) ORS 215.275; or

10 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
11 469.300.

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

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

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

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

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

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

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

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

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

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

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

2 (o) Farm stands if:

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

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

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

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

25 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
26 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
27 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
28 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
29 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
30 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
31 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
32 cable siting standards but the standards may not be applied in a manner that prohibits the siting
33 of the processing facility or establishment.

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

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

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

41 (A) A public right of way;

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

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

45 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-

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

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

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

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

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

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

20 (z) **A farm brewery, as described in section 2 of this 2019 Act.**

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

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

25 (b) Operations conducted for:

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

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

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

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

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

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

44 (e) Community centers owned by a governmental agency or a nonprofit community organization
45 and operated primarily by and for residents of the local rural community. A community center au-

1 thorized under this paragraph may provide services to veterans, including but not limited to emer-
2 gency and transitional shelter, preparation and service of meals, vocational and educational
3 counseling and referral to local, state or federal agencies providing medical, mental health, disability
4 income replacement and substance abuse services, only in a facility that is in existence on January
5 1, 2006. The services may not include direct delivery of medical, mental health, disability income
6 replacement or substance abuse services.

7 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (n)(A) Commercial dog boarding kennels; or
2 (B) Dog training classes or testing trials that cannot be established under subsection (1)(x) of
3 this section.
- 4 (o) Residential homes as defined in ORS 197.660, in existing dwellings.
- 5 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
6 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
7 shall not include any species under quarantine by the State Department of Agriculture or the United
8 States Department of Agriculture. The county shall provide notice of all applications under this
9 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the
10 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
11 tive decision or initial public hearing on the application.
- 12 (q) Construction of additional passing and travel lanes requiring the acquisition of right of way
13 but not resulting in the creation of new land parcels.
- 14 (r) Reconstruction or modification of public roads and highways involving the removal or dis-
15 placement of buildings but not resulting in the creation of new land parcels.
- 16 (s) Improvement of public road and highway related facilities, such as maintenance yards, weigh
17 stations and rest areas, where additional property or right of way is required but not resulting in
18 the creation of new land parcels.
- 19 (t) A destination resort that is approved consistent with the requirements of any statewide
20 planning goal relating to the siting of a destination resort.
- 21 (u) Room and board arrangements for a maximum of five unrelated persons in existing resi-
22 dences.
- 23 (v) Operations for the extraction and bottling of water.
- 24 (w) Expansion of existing county fairgrounds and activities directly relating to county
25 fairgrounds governed by county fair boards established pursuant to ORS 565.210.
- 26 (x) A living history museum related to resource based activities owned and operated by a gov-
27 ernmental agency or a local historical society, together with limited commercial activities and fa-
28 cilities that are directly related to the use and enjoyment of the museum and located within
29 authentic buildings of the depicted historic period or the museum administration building, if areas
30 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
31 the museum administration buildings and parking lot are located within one quarter mile of an ur-
32 ban growth boundary. As used in this paragraph:
- 33 (A) "Living history museum" means a facility designed to depict and interpret everyday life and
34 culture of some specific historic period using authentic buildings, tools, equipment and people to
35 simulate past activities and events; and
- 36 (B) "Local historical society" means the local historical society recognized by the county gov-
37 erning body and organized under ORS chapter 65.
- 38 (y) An aerial fireworks display business that has been in continuous operation at its current
39 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's
40 permit to sell or provide fireworks.
- 41 (z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-
42 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction
43 with the growing and marketing of nursery stock on the land that constitutes farm use.
- 44 (aa) Public or private schools for kindergarten through grade 12, including all buildings essential
45 to the operation of a school, primarily for residents of the rural area in which the school is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (i) Planned hours of operation;

35 (ii) Access, egress and parking;

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

38 (iv) Sanitation and solid waste.

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

1 standards that apply, and the agri-tourism or other commercial event or activity:

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

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

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

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

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

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

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

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

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

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

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

20 (D) Must comply with ORS 215.296;

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

23 (F) Must comply with conditions established for:

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

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

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

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

33 (v) Sanitation and solid waste.

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

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

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

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

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

45 (5) A holder of a permit authorized by a county under subsection (4)(d) of this section must re-

1 quest review of the permit at four-year intervals. Upon receipt of a request for review, the county
2 shall:

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

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

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

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

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

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

24 **SECTION 6.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, section 4,
25 chapter 148, Oregon Laws 2017, section 6, chapter 253, Oregon Laws 2017, section 2, chapter 393,
26 Oregon Laws 2017, section 6, chapter 504, Oregon Laws 2017, and section 4, chapter 119, Oregon
27 Laws 2018, is amended to read:

28 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

35 (A) ORS 215.275; or

36 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
37 469.300.

38 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
39 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
40 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
41 operator does or will require the assistance of the relative in the management of the farm use and
42 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
43 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS
44 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
45 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-

1 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
2 shall operate as a partition of the homesite to create a new parcel.

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

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

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

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

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

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

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

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

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

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

28 (o) Farm stands if:

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

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

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

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

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

42 (C) Has interior wiring for interior lights;

43 (D) Has a heating system; and

44 (E) In the case of replacement:

45 (i) Is removed, demolished or converted to an allowable nonresidential use within three months

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

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

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

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

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

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

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

4 (A) A public right of way;

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

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

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

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

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

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

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

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

28 **(z) A farm brewery, as described in section 2 of this 2019 Act.**

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

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

33 (b) Operations conducted for:

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

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

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

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

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

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

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

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

15 (f) Golf courses on land:

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

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

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

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

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

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

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

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

34 (j) 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 (k) 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 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (i) Planned hours of operation;

43 (ii) Access, egress and parking;

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

1 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

28 (D) Must comply with ORS 215.296;

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

31 (F) Must comply with conditions established for:

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

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

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

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

41 (v) Sanitation and solid waste.

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

1 other commercial events or activities:

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

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

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

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

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

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

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

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

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

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

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

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