

Senate Bill 960

Sponsored by Senator THOMSEN

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**.

Authorizes conditional approval of temporary promotional events subordinate to agricultural activities on lands zoned for exclusive farm use. Requires periodic review of approved special use permits.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to uses on lands zoned for exclusive farm use; creating new provisions; amending ORS
3 215.203, 215.213, 215.283 and 308A.056; and declaring an emergency.

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

5 **SECTION 1. (1) The promotion of farm use may be approved under ORS 215.213 (2)(c) or**
6 **215.283 (2)(a) if the promotional event is subordinate to the primary use of the lot or parcel**
7 **for farm use.**

8 (2)(a) The governing body of a county, or its designee, may:

9 (A) Issue a limited use permit under this subsection for the promotion of farm use sub-
10 ordinate to the primary use of the lot or parcel for farm use pursuant to ORS 215.213 (2)(c)
11 or 215.283 (2)(a).

12 (B) Authorize the use of temporary or existing structures for the conduct of promotional
13 events for which a limited use permit is issued, subject to fire, health and safety require-
14 ments.

15 (b) A limited use permit issued pursuant to this subsection and either ORS 215.213 (2)(c)
16 or 215.283 (2)(a) is valid for up to six separate promotional events over a two-year period.
17 An event authorized by a limited use permit may not exceed 72 hours in duration.

18 (c) A limited use permit issued pursuant to this subsection and either ORS 215.213 (2)(c)
19 or 215.283 (2)(a) is:

20 (A) Personal to the applicant and not transferable.

21 (B) Subject to renewal two years after issuance to ensure compliance with the provisions
22 of this subsection and ORS 215.213 (2)(c) or 215.283 (2)(a) and conditions, if any, imposed on
23 the promotional event by the terms of the limited use permit.

24 (d) An application for a limited use permit must contain:

25 (A) A narrative describing the use for which approval is sought under the limited use
26 permit, the number of promotional events intended during a calendar year, the anticipated
27 daily attendance and the hours of operation.

28 (B) A site plan identifying the location of existing structures, options for ingress and
29 egress to the lot or parcel and parking facilities.

30 (C) A plan for providing sanitation facilities and solid waste management.

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 (D) A plan for traffic management on the lot or parcel and in the area.

2 (3)(a) The governing body of a county, or its designee may:

3 (A) Issue one single-event permit per year for a lot or parcel, under this subsection, for
4 one event to promote farm use that is subordinate to the primary use of the lot or parcel
5 for farm use pursuant to ORS 215.213 (2)(c) or 215.283 (2)(a).

6 (B) Authorize the use of temporary or existing structures for the conduct of activities
7 for which a single-event permit is issued, subject to fire, health and safety requirements.

8 (b) A single-event permit issued pursuant to this subsection and either ORS 215.213 (2)(c)
9 or 215.283 (2)(a) is valid for one event. An event authorized by a single-event permit is limited
10 to:

11 (A) A maximum attendance of 500 and a maximum number of vehicles of 250; and

12 (B) A duration of 72 or fewer hours.

13 (c) A single-event use permit issued pursuant to this subsection and either ORS 215.213
14 (2)(c) or 215.283 (2)(a):

15 (A) Is personal to the applicant and not transferable.

16 (B) May not be issued for the same lot or parcel more often than once per calendar year.

17 (d) An application for single-event permit must contain:

18 (A) The hours of operation.

19 (B) A site plan identifying options for ingress and egress to the lot or parcel and parking
20 facilities.

21 (C) A plan for providing sanitation facilities and solid waste management.

22 (D) A plan for traffic management on the lot or parcel and in the area.

23 (4)(a) The governing body of a county, or its designee may:

24 (A) Issue one optional expedited single-event permit per year for a lot or parcel, under
25 this subsection, for one event to promote farm use that is subordinate to the primary use
26 of the lot or parcel for farm use pursuant to ORS 215.213 (2)(c) or 215.283 (2)(a).

27 (B) Authorize the use of temporary or existing structures for the conduct of activities
28 for which an optional expedited single-event permit is issued, subject to fire, health and
29 safety requirements.

30 (b) Issuance of an optional expedited single-event permit is not a land use decision, as
31 defined in ORS 197.015.

32 (c) An optional expedited single-event permit must contain specific standards to ensure
33 that the event is:

34 (A) Subordinate to farm use on the lot or parcel; and

35 (B) Compatible with commercial farm use on adjoining lands.

36 (d) An event authorized by an optional expedited single-event permit:

37 (A) Must not begin before 6 a.m. or end after 10 p.m. on the day of the event.

38 (B) Is limited to a maximum attendance of 100 and a maximum of 50 vehicles.

39 (C) Must not involve amplified music or voices before 8 a.m. or after 8 p.m. on the day
40 of the event.

41 (D) Must not require, and will not involve, the construction or use of any new permanent
42 structures.

43 (E) Must be located on a lot or parcel that is 10 acres or larger unless the owners or
44 residents of adjoining lots and parcels consent, in writing, to the event.

45 (F) Must comply with applicable public safety and health requirements.

1 **SECTION 2.** ORS 215.213 is amended to read:

2 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
3 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

6 (c) Utility facilities necessary for public service, including wetland waste treatment systems but
7 not including commercial facilities for the purpose of generating electrical power for public use by
8 sale or transmission towers over 200 feet in height. A utility facility necessary for public service
9 may be established as provided in ORS 215.275.

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

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

21 (f) Primary or accessory dwellings customarily provided in conjunction with farm use. For a
22 primary dwelling, the dwelling must be on a lot or parcel that is managed as part of a farm opera-
23 tion and is not smaller than the minimum lot size in a farm zone with a minimum lot size acknowl-
24 edged under ORS 197.251.

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

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

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

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

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

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

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

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

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

10 (p) A winery, as described in ORS 215.452.

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

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

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

15 (C) Has interior wiring for interior lights;

16 (D) Has a heating system; and

17 (E) In the case of replacement:

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

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

40 (r) Farm stands if:

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

1 and

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

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

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

19 (u) A facility for the processing of farm crops, or the production of biofuel as defined in ORS
20 315.141, that is located on a farm operation that provides at least one-quarter of the farm crops
21 processed at the facility. The building established for the processing facility shall not exceed 10,000
22 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm
23 use or devote more than 10,000 square feet to the processing activities within another building
24 supporting farm uses. A processing facility shall comply with all applicable siting standards but the
25 standards shall not be applied in a manner that prohibits the siting of the processing facility.

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

27 (w) Irrigation canals, delivery lines and those structures and accessory operational facilities
28 associated with a district 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 for agricultural,
40 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
41 exclusive farm use zone under this chapter.

42 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
43 the following uses may be established in any area zoned for exclusive farm use subject to ORS
44 215.296:

45 (a) 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 if the farm op-
2 eration or woodlot:

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

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

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

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

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

16 (c) Commercial activities that are in conjunction with farm use, including:

17 (A) The processing of farm crops into biofuel not permitted under ORS 215.203 (2)(b)(L) or sub-
18 section (1)(u) of this section.

19 **(B) The promotion of farm use subject to section 1 of this 2011 Act if the promotional**
20 **event is subordinate to the primary use of the lot or parcel for farm use.**

21 (d) Operations conducted for:

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

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

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

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

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

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

42 (g) Commercial utility facilities for the purpose of generating power for public use by sale.

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

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

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

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

18 (k) Dog kennels.

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

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

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

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

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

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

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

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

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

40 (u) A living history museum related to resource based activities owned and operated by a gov-
41 ernmental agency or a local historical society, together with limited commercial activities and fa-
42 cilities that are directly related to the use and enjoyment of the museum and located within
43 authentic buildings of the depicted historic period or the museum administration building, if areas
44 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
45 the museum administration buildings and parking lot are located within one quarter mile of the

1 metropolitan urban growth boundary. As used in this paragraph:

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

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

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

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

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

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

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 **SECTION 3.** ORS 215.283 is amended to read:

36 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

39 (c) Utility facilities necessary for public service, including wetland waste treatment systems but
40 not including commercial facilities for the purpose of generating electrical power for public use by
41 sale or transmission towers over 200 feet in height. A utility facility necessary for public service
42 may be established as provided in ORS 215.275.

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

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

8 (e) Primary or accessory dwellings and other buildings customarily provided in conjunction with
9 farm use.

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

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

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

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

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

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

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

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

32 (n) A winery, as described in ORS 215.452.

33 (o) Farm stands if:

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

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

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

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

45 (B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to

1 a sanitary waste disposal system;

2 (C) Has interior wiring for interior lights;

3 (D) Has a heating system; and

4 (E) In the case of replacement:

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

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

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

38 (r) A facility for the processing of farm crops, or the production of biofuel as defined in ORS
39 315.141, that is located on a farm operation that provides at least one-quarter of the farm crops
40 processed at the facility. The building established for the processing facility shall not exceed 10,000
41 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm
42 use or devote more than 10,000 square feet to the processing activities within another building
43 supporting farm uses. A processing facility shall comply with all applicable siting standards but the
44 standards shall not be applied in a manner that prohibits the siting of the processing facility.

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

1 (t) Irrigation canals, delivery lines and those structures and accessory operational facilities as-
2 sociated with a district as defined in ORS 540.505.

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

6 (A) A public right of way;

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

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

10 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
11 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
12 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
13 of reclaimed water, agricultural or industrial process water or biosolids for agricultural,
14 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
15 exclusive farm use zone under this chapter.

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

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

21 (a) Commercial activities that are in conjunction with farm use, including:

22 (A) The processing of farm crops into biofuel not permitted under ORS 215.203 (2)(b)(L) or sub-
23 section (1)(r) of this section.

24 **(B) The promotion of farm use subject to section 1 of this 2011 Act if the promotional**
25 **event is subordinate to the primary use of the lot or parcel for farm use.**

26 (b) Operations conducted for:

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

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

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

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

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

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

45 (e) Community centers owned by a governmental agency or a nonprofit community organization

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

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

9 (g) Commercial utility facilities for the purpose of generating power for public use by sale.

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

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

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

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

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

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

40 (n) Dog kennels.

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

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

1 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the
2 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
3 tive decision or initial public hearing on the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 **SECTION 4.** ORS 215.203 is amended to read:

1 215.203. (1) Zoning ordinances may be adopted to zone designated areas of land within the
2 county as exclusive farm use zones. Land within such zones shall be used exclusively for farm use
3 except as otherwise provided in ORS 215.213, 215.283 or 215.284. Farm use zones shall be established
4 only when such zoning is consistent with the comprehensive plan.

5 (2)(a) As used in this section, “farm use” means the current employment of land for the primary
6 purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding,
7 breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or
8 honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural
9 use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage
10 and disposal by marketing or otherwise of the products or by-products raised on such land for hu-
11 man or animal use. “Farm use” also includes the current employment of land for the primary pur-
12 pose of obtaining a profit in money by stabling or training equines including but not limited to
13 providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propa-
14 gation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under
15 the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules
16 adopted by the commission. “Farm use” includes the on-site construction and maintenance of
17 equipment and facilities used for the activities described in this subsection. “Farm use” does not
18 include the use of land subject to the provisions of ORS chapter 321, except land used exclusively
19 for growing cultured Christmas trees as defined in subsection (3) of this section or land described
20 in ORS 321.267 (3) or 321.824 (3).

21 (b) “Current employment” of land for farm use includes:

22 (A) Farmland, the operation or use of which is subject to any farm-related government program;

23 (B) Land lying fallow for one year as a normal and regular requirement of good agricultural
24 husbandry;

25 (C) Land planted in orchards or other perennials, other than land specified in subparagraph (D)
26 of this paragraph, prior to maturity;

27 (D) Land not in an exclusive farm use zone which has not been eligible for assessment at special
28 farm use value in the year prior to planting the current crop and has been planted in orchards,
29 cultured Christmas trees or vineyards for at least three years;

30 (E) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically
31 tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and
32 which is not currently being used for any economic farm use;

33 (F) Except for land under a single family dwelling, land under buildings supporting accepted
34 farm practices, including the processing facilities allowed by ORS 215.213 (1)(u) and 215.283 (1)(r)
35 and the processing of farm crops into biofuel as commercial activities in conjunction with farm use
36 under ORS 215.213 (2)(c)(A) and 215.283 (2)(a)(A);

37 (G) Water impoundments lying in or adjacent to and in common ownership with farm use land;

38 (H) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the
39 owner of land specially valued for farm use even if the land constituting the woodlot is not utilized
40 in conjunction with farm use;

41 (I) Land lying idle for no more than one year where the absence of farming activity is due to
42 the illness of the farmer or member of the farmer’s immediate family. For purposes of this paragraph,
43 illness includes injury or infirmity whether or not such illness results in death;

44 (J) Any land described under ORS 321.267 (3) or 321.824 (3);

45 (K) Land used for the primary purpose of obtaining a profit in money by breeding, raising,

1 kenneling or training of greyhounds for racing; and

2 (L) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:

3 (i) Only the crops of the landowner are being processed;

4 (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm
5 of the landowner; or

6 (iii) The landowner is custom processing crops into biofuel from other landowners in the area
7 for their use or sale.

8 (c) As used in this subsection, “accepted farming practice” means a mode of operation that is
9 common to farms of a similar nature, necessary for the operation of such farms to obtain a profit
10 in money, and customarily utilized in conjunction with farm use.

11 (3) “Cultured Christmas trees” means trees:

12 (a) Grown on lands used exclusively for that purpose, capable of preparation by intensive culti-
13 vation methods such as plowing or turning over the soil;

14 (b) Of a marketable species;

15 (c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as
16 specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

17 (d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed
18 and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and
19 disease control, stump culture, soil cultivation, irrigation.

20 **SECTION 5.** ORS 308A.056 is amended to read:

21 308A.056. (1) As used in ORS 308A.050 to 308A.128, “farm use” means the current employment
22 of land for the primary purpose of obtaining a profit in money by:

23 (a) Raising, harvesting and selling crops.

24 (b) Feeding, breeding, managing or selling livestock, poultry, fur-bearing animals or honeybees
25 or the produce thereof.

26 (c) Dairying and selling dairy products.

27 (d) Stabling or training equines, including but not limited to providing riding lessons, training
28 clinics and schooling shows.

29 (e) Propagating, cultivating, maintaining or harvesting aquatic species and bird and animal
30 species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission.

31 (f) On-site constructing and maintaining equipment and facilities used for the activities described
32 in this subsection.

33 (g) Preparing, storing or disposing of, by marketing or otherwise, the products or by-products
34 raised for human or animal use on land described in this section.

35 (h) Implementing a remediation plan previously presented to the assessor for the county in
36 which the land that is the subject of the plan is located.

37 (i) Using land described in this section for any other agricultural or horticultural use or animal
38 husbandry or any combination thereof.

39 (2) “Farm use” does not include the use of land subject to timber and forestland taxation under
40 ORS chapter 321, except land used exclusively for growing cultured Christmas trees or land de-
41 scribed in ORS 321.267 (3) or 321.824 (3) (relating to land used to grow certain hardwood timber,
42 including hybrid cottonwood).

43 (3) For purposes of this section, land is currently employed for farm use if the land is:

44 (a) Farmland, the operation or use of which is subject to any farm-related government program;

45 (b) Land lying fallow for one year as a normal and regular requirement of good agricultural

- 1 husbandry;
- 2 (c) Land planted in orchards or other perennials, other than land specified in paragraph (d) of
3 this subsection, prior to maturity;
- 4 (d) Land not in an exclusive farm use zone that has not been eligible for assessment at special
5 farm use value in the year prior to planting the current crop and has been planted in orchards,
6 cultured Christmas trees or vineyards for at least three years;
- 7 (e) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically
8 tillable nor grazeable, lying in or adjacent to and in common ownership with farm use land and that
9 is not currently being used for any economic farm use;
- 10 (f) Except for land under a single family dwelling, land under buildings supporting accepted
11 farming practices, including the processing facilities allowed by ORS 215.213 (1)(u) and 215.283 (1)(r)
12 and the processing of farm crops into biofuel as commercial activities in conjunction with farm use
13 under ORS 215.213 (2)(c)(A) and 215.283 (2)(a)(A);
- 14 (g) Water impoundments lying in or adjacent to and in common ownership with farm use land;
- 15 (h) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the
16 owner of land specially valued for farm use even if the land constituting the woodlot is not utilized
17 in conjunction with farm use;
- 18 (i) Land lying idle for no more than one year when the absence of farming activity is the result
19 of the illness of the farmer or a member of the farmer's immediate family, including injury or
20 infirmity, regardless of whether the illness results in death;
- 21 (j) Land described under ORS 321.267 (3) or 321.824 (3) (relating to land used to grow certain
22 hardwood timber, including hybrid cottonwood);
- 23 (k) Land used for the primary purpose of obtaining a profit in money by breeding, raising,
24 kenneling or training greyhounds for racing;
- 25 (L) Land subject to a remediation plan previously presented to the assessor for the county in
26 which the land that is the subject of the plan is located; or
- 27 (m) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:
- 28 (i) Only the crops of the landowner are being processed;
- 29 (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm
30 of the landowner; or
- 31 (iii) The landowner is custom processing crops into biofuel from other landowners in the area
32 for their use or sale.
- 33 (4) As used in this section:
- 34 (a) "Accepted farming practice" means a mode of operation that is common to farms of a similar
35 nature, necessary for the operation of these similar farms to obtain a profit in money and custom-
36 arily utilized in conjunction with farm use.
- 37 (b) "Cultured Christmas trees" means trees:
- 38 (A) Grown on lands used exclusively for that purpose, capable of preparation by intensive cul-
39 tivation methods such as plowing or turning over the soil;
- 40 (B) Of a marketable species;
- 41 (C) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as
42 specified by the Agricultural Marketing Service of the United States Department of Agriculture; and
- 43 (D) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed
44 and brush control and one or more of the following practices:
- 45 (i) Basal pruning;

- 1 (ii) Fertilizing;
- 2 (iii) Insect and disease control;
- 3 (iv) Stump culture;
- 4 (v) Soil cultivation; or
- 5 (vi) Irrigation.

6 **SECTION 6. This 2011 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
8 **on its passage.**

9
