

A-Engrossed
House Bill 2746

Ordered by the House April 26
Including House Amendments dated April 26

Sponsored by Representative UNGER; Representative DAVIS

SUMMARY

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

Modifies provisions authorizing alteration, restoration or replacement of dwelling on tract of land zoned for exclusive farm use.

A BILL FOR AN ACT

1
2 Relating to dwellings on tract of land zoned for exclusive farm use; creating new provisions; and
3 amending ORS 215.213, 215.283 and 215.417.

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

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 215.203 to**
6 **215.311.**

7 **SECTION 2. (1) A lawfully established dwelling may be altered, restored or replaced under**
8 **ORS 215.213 (1)(q) or 215.283 (1)(p) in the manner provided by either subsection (2) or (3) of**
9 **this section.**

10 **(2) The dwelling may be altered, restored or replaced if, when an application for a permit**
11 **is submitted, the permitting authority:**

12 **(a) Finds to the satisfaction of the permitting authority that the dwelling to be altered,**
13 **restored or replaced has, or formerly had:**

14 **(A) Intact exterior walls and roof structure;**

15 **(B) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected**
16 **to a sanitary waste disposal system;**

17 **(C) Interior wiring for interior lights; and**

18 **(D) A heating system; and**

19 **(b) Finds that the dwelling is assessed as a dwelling for purposes of ad valorem taxation**
20 **and has been for the previous five property tax years.**

21 **(3) The dwelling may be altered, restored or replaced if, when an application for a permit**
22 **is submitted, the dwelling meets the requirements of subsection (2)(a) of this section, the**
23 **dwelling does not meet the requirement of subsection (2)(b) of this section, and the applicant**
24 **establishes to the satisfaction of the permitting authority that the dwelling was improperly**
25 **removed from the tax roll by a person other than the current owner.**

26 **(4) For replacement of a lawfully established dwelling under ORS 215.213 (1)(q) or 215.283**
27 **(1)(p):**

28 **(a) The dwelling to be replaced must be removed, demolished or converted to an allowable**

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 **nonresidential use:**

2 (A) Within one year after the date the replacement dwelling is certified for occupancy
3 pursuant to ORS 455.055; or

4 (B) If the dwelling to be replaced is, in the discretion of the permitting authority, in such
5 a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive
6 nuisance, on or before a date set by the permitting authority that is not less than 90 days
7 after the replacement permit is issued.

8 (b) The replacement dwelling:

9 (A) May be sited on any part of the same lot or parcel.

10 (B) Must comply with applicable building codes, plumbing codes, sanitation codes and
11 other requirements relating to health and safety or to siting at the time of construction.
12 However, the standards may not be applied in a manner that prohibits the siting of the re-
13 placement dwelling.

14 (c) As a condition of approval, if the dwelling to be replaced is located on a portion of the
15 lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause
16 to be recorded in the deed records of the county in which the property is located a deed re-
17 striction prohibiting the siting of another dwelling on that portion of the lot or parcel. The
18 restriction imposed is irrevocable unless the county planning director, or the director's
19 designee, places a statement of release in the deed records of the county to the effect that
20 the provisions of this section and either ORS 215.213 or 215.283 regarding replacement
21 dwellings have changed to allow the lawful siting of another dwelling.

22 (5)(a) Notwithstanding subsection (4)(b)(A) of this section, paragraph (b) of this sub-
23 section applies when a replacement dwelling under ORS 215.213 (1)(q) or 215.283 (1)(p) quali-
24 fies for replacement:

25 (A) Under subsection (2) of this section because the dwelling formerly had the features
26 described in subsection (2) of this section;

27 (B) Under subsection (3) of this section; or

28 (C) Under a permit described in section 3 of this 2013 Act.

29 (b) The replacement dwelling must be sited on the same lot or parcel:

30 (A) Using all or part of the footprint of the replaced dwelling or near a road, ditch, river,
31 property line, forest boundary or another natural boundary of the lot or parcel; and

32 (B) If possible, for the purpose of minimizing the adverse impacts on resource use of land
33 in the area, within a concentration or cluster of structures or within 500 yards of another
34 structure.

35 (6) The county planning director, or the director's designee, shall maintain a record of
36 the lots and parcels that do not qualify for the siting of a new dwelling under subsection (4)
37 of this section, including a copy of the deed restrictions filed under subsection (4) of this
38 section.

39 (7) A replacement permit does not expire. However, the permit:

40 (a) Becomes void if the replaced dwelling is not removed, demolished or converted to an
41 allowable nonresidential use within the time period specified under subsection (4)(a) of this
42 section.

43 (b) May not be transferred, by sale or otherwise, except by the applicant to the spouse
44 or a child of the applicant.

45 (8) As used in this section, "improperly removed" means, with respect to a dwelling re-

1 **moved from the tax roll, that:**

2 (a) **The dwelling has taxable value in its present state, or had taxable value when the**
3 **dwelling was first removed from the tax roll; and**

4 (b) **The county stopped assessing the dwelling even though the current owner did not**
5 **request removal of the dwelling from the tax roll.**

6 **SECTION 3. A permit for a replacement dwelling that was issued under ORS 215.213 (1)(q)**
7 **or 215.283 (1)(p) and became void before the effective date of this 2013 Act shall be deemed**
8 **to be valid and effective if, within one year after the effective date of this 2013 Act, the**
9 **holder of the permit:**

10 (1) **Removes, demolishes or converts to an allowable nonresidential use the dwelling to**
11 **be replaced; and**

12 (2) **Causes to be recorded in the deed records of the county a statement that the dwelling**
13 **to be replaced has been removed, demolished or converted.**

14 **SECTION 4. ORS 215.213, as amended by section 2, chapter 74, Oregon Laws 2012, is amended**
15 **to read:**

16 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
17 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

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

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

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

39 (g) Operations for the exploration for and production of geothermal resources as defined by ORS
40 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
41 compressors, separators and other customary production equipment for an individual well adjacent
42 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
43 an exception under ORS 197.732 (2)(a) or (b).

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

1 (2)(a) or (b).

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

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

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

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

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

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

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

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

25 (q) **Subject to section 2 of this 2013 Act**, alteration, restoration or replacement of a lawfully
26 established dwelling. *[that:]*

27 *[(A) Has intact exterior walls and roof structure;]*

28 *[(B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a
29 sanitary waste disposal system;]*

30 *[(C) Has interior wiring for interior lights;]*

31 *[(D) Has a heating system; and]*

32 *[(E) In the case of replacement:]*

33 *[(i) Is removed, demolished or converted to an allowable nonresidential use within three months
34 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of the
35 same lot or parcel. A dwelling established under this paragraph shall comply with all applicable siting
36 standards. However, the standards shall not be applied in a manner that prohibits the siting of the
37 dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for ex-
38 clusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records
39 for the county where the property is located a deed restriction prohibiting the siting of a dwelling on
40 that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of re-
41 lease is placed in the deed records for the county. The release shall be signed by the county or its
42 designee and state that the provisions of this paragraph regarding replacement dwellings have changed
43 to allow the siting of another dwelling. The county planning director or the director's designee shall
44 maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the
45 provisions of this paragraph, including a copy of the deed restrictions and release statements filed un-*

1 *der this paragraph; and]*

2 *[(ii) For which the applicant has requested a deferred replacement permit, is removed or demolished*
3 *within three months after the deferred replacement permit is issued. A deferred replacement permit al-*
4 *lows construction of the replacement dwelling at any time. If, however, the established dwelling is not*
5 *removed or demolished within three months after the deferred replacement permit is issued, the permit*
6 *becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes,*
7 *sanitation codes and other requirements relating to health and safety or to siting at the time of con-*
8 *struction. A deferred replacement permit may not be transferred, by sale or otherwise, except by the*
9 *applicant to the spouse or a child of the applicant.]*

10 (r) Farm stands if:

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

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

20 (s) An armed forces reserve center, if the center is within one-half mile of a community college.
21 For purposes of this paragraph, “armed forces reserve center” includes an armory or National
22 Guard support facility.

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

34 (u) A facility for the processing of farm crops, or the production of biofuel as defined in ORS
35 315.141, that is located on a farm operation that provides at least one-quarter of the farm crops
36 processed at the facility. The building established for the processing facility shall not exceed 10,000
37 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm
38 use or devote more than 10,000 square feet to the processing activities within another building
39 supporting farm uses. A processing facility shall comply with all applicable siting standards but the
40 standards shall not be applied in a manner that prohibits the siting of the processing facility.

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

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

45 (x) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-

1 cilities or structures that end at the point where the utility service is received by the customer and
2 that are located on one or more of the following:

3 (A) A public right of way;

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

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

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

13 (z) 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 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
20 the following uses may be established in any area zoned for exclusive farm use subject to ORS
21 215.296:

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

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

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

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

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

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

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

40 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
35 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

1 dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (i) Planned hours of operation;

32 (ii) Access, egress and parking;

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

35 (iv) Sanitation and solid waste.

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

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

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

- 1 (C) May not involve more than 100 attendees or 50 vehicles;
- 2 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 3 (E) May not require or involve the construction or use of a new permanent structure in con-
- 4 nection with the agri-tourism or other commercial event or activity;
- 5 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
- 6 properties consent, in writing, to the location; and
- 7 (G) Must comply with applicable health and fire and life safety requirements.
- 8 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
- 9 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
- 10 use permit that is personal to the applicant and is not transferred by, or transferable with, a
- 11 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
- 12 local standards that apply, and the agri-tourism or other commercial events or activities:
- 13 (A) Must be incidental and subordinate to existing farm use on the tract;
- 14 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 15 (C) May not require that a new permanent structure be built, used or occupied in connection
- 16 with the agri-tourism or other commercial events or activities;
- 17 (D) Must comply with ORS 215.296;
- 18 (E) May not, in combination with other agri-tourism or other commercial events or activities
- 19 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 20 (F) Must comply with conditions established for:
- 21 (i) The types of agri-tourism or other commercial events or activities that are authorized during
- 22 each calendar year, including the number and duration of the agri-tourism or other commercial
- 23 events and activities, the anticipated daily attendance and the hours of operation;
- 24 (ii) The location of existing structures and the location of proposed temporary structures to be
- 25 used in connection with the agri-tourism or other commercial events or activities;
- 26 (iii) The location of access and egress and parking facilities to be used in connection with the
- 27 agri-tourism or other commercial events or activities;
- 28 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
- 29 public roads; and
- 30 (v) Sanitation and solid waste.
- 31 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
- 32 or other commercial events or activities that occur more frequently or for a longer period or that
- 33 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
- 34 commercial events or activities comply with any local standards that apply and the agri-tourism or
- 35 other commercial events or activities:
- 36 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
- 37 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
- 38 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
- 39 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
- 40 and
- 41 (D) Do not exceed 18 events or activities in a calendar year.
- 42 (12) A holder of a permit authorized by a county under subsection (11)(d) of this section must
- 43 request review of the permit at four-year intervals. Upon receipt of a request for review, the county
- 44 shall:
- 45 (a) Provide public notice and an opportunity for public comment as part of the review process;

1 and

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

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

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

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

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

21 **SECTION 5.** ORS 215.283, as amended by section 3, chapter 74, Oregon Laws 2012, is amended
22 to read:

23 215.283. (1) 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 ORS 215.275.

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

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

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

1 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

20 (o) Farm stands if:

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

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

30 (p) **Subject to section 2 of this 2013 Act**, alteration, restoration or replacement of a lawfully
31 established dwelling. [*that:*]

32 [(A) *Has intact exterior walls and roof structure;*]

33 [(B) *Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a*
34 *sanitary waste disposal system;*]

35 [(C) *Has interior wiring for interior lights;*]

36 [(D) *Has a heating system; and*

37 [(E) *In the case of replacement:*]

38 [(i) *Is removed, demolished or converted to an allowable nonresidential use within three months*
39 *of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of the*
40 *same lot or parcel. A dwelling established under this paragraph shall comply with all applicable siting*
41 *standards. However, the standards shall not be applied in a manner that prohibits the siting of the*
42 *dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for ex-*
43 *clusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records*
44 *for the county where the property is located a deed restriction prohibiting the siting of a dwelling on*
45 *that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of re-*

1 lease is placed in the deed records for the county. The release shall be signed by the county or its
 2 designee and state that the provisions of this paragraph regarding replacement dwellings have changed
 3 to allow the siting of another dwelling. The county planning director or the director's designee shall
 4 maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the
 5 provisions of this paragraph, including a copy of the deed restrictions and release statements filed un-
 6 der this paragraph; and]

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

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

26 (r) A facility for the processing of farm crops, or the production of biofuel as defined in ORS
 27 315.141, that is located on a farm operation that provides at least one-quarter of the farm crops
 28 processed at the facility. The building established for the processing facility shall not exceed 10,000
 29 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm
 30 use or devote more than 10,000 square feet to the processing activities within another building
 31 supporting farm uses. A processing facility shall comply with all applicable siting standards but the
 32 standards shall not be applied in a manner that prohibits the siting of the processing facility.

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

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

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

40 (A) A public right of way;

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

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

44 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
 45 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with

1 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
2 of reclaimed water, agricultural or industrial process water or biosolids for agricultural,
3 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
4 exclusive farm use zone under this chapter.

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

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

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

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

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

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

18 (b) Operations conducted for:

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

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

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

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

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

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

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. A community center au-
39 thorized under this paragraph may provide services to veterans, including but not limited to emer-
40 gency and transitional shelter, preparation and service of meals, vocational and educational
41 counseling and referral to local, state or federal agencies providing medical, mental health, disability
42 income replacement and substance abuse services, only in a facility that is in existence on January
43 1, 2006. The services may not include direct delivery of medical, mental health, disability income
44 replacement or substance abuse services.

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (r) Reconstruction or modification of public roads and highways involving the removal or dis-

1 placement of buildings but not resulting in the creation of new land parcels.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (A) The agri-tourism or other commercial event or activity is incidental and subordinate to ex-

1 isting farm use on the tract;

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

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

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

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

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

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

14 (i) Planned hours of operation;

15 (ii) Access, egress and parking;

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

18 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

45 (D) Must comply with ORS 215.296;

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

3 (F) Must comply with conditions established for:

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

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

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

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

13 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

45 (c) The authorizations provided by subsection (4) of this section are in addition to other au-

1 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-
 2 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial
 3 events and activities.

4 **SECTION 6.** ORS 215.417 is amended to read:

5 215.417. (1) If a permit is approved under ORS 215.416 for a proposed residential development
 6 on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293
 7 or 215.317 to 215.438 or under county legislation or regulation, the permit shall be valid for four
 8 years.

9 (2) An extension of a permit described in subsection (1) of this section shall be valid for two
 10 years.

11 (3) For the purposes of this section, “residential development” only includes the dwellings pro-
 12 vided for under ORS 215.213 [(1)(q),] (3) and (4), [215.283 (1)(p),] 215.284, 215.317, 215.705 (1) to (3),
 13 215.720, 215.740, 215.750 and 215.755 (1) and (3).

14 **SECTION 7.** ORS 215.213, as amended by section 2, chapter 74, Oregon Laws 2012, and section
 15 4 of this 2013 Act, is amended to read:

16 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
 17 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

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

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

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

39 (g) Operations for the exploration for and production of geothermal resources as defined by ORS
 40 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
 41 compressors, separators and other customary production equipment for an individual well adjacent
 42 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
 43 an exception under ORS 197.732 (2)(a) or (b).

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

1 (2)(a) or (b).

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

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

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

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

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

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

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

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

25 (q) [*Subject to section 2 of this 2013 Act,*] Alteration, restoration or replacement of a lawfully
26 established dwelling[.] **that:**

27 **(A) Has intact exterior walls and roof structure;**

28 **(B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities con-**
29 **nected to a sanitary waste disposal system;**

30 **(C) Has interior wiring for interior lights;**

31 **(D) Has a heating system; and**

32 **(E) In the case of replacement:**

33 **(i) Is removed, demolished or converted to an allowable nonresidential use within three**
34 **months of the completion of the replacement dwelling. A replacement dwelling may be sited**
35 **on any part of the same lot or parcel. A dwelling established under this paragraph shall**
36 **comply with all applicable siting standards. However, the standards shall not be applied in**
37 **a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located**
38 **on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condi-**
39 **tion of approval, shall execute and record in the deed records for the county where the**
40 **property is located a deed restriction prohibiting the siting of a dwelling on that portion of**
41 **the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release**
42 **is placed in the deed records for the county. The release shall be signed by the county or its**
43 **designee and state that the provisions of this paragraph regarding replacement dwellings**
44 **have changed to allow the siting of another dwelling. The county planning director or the**
45 **director's designee shall maintain a record of the lots and parcels that do not qualify for the**

1 **siting of a new dwelling under the provisions of this paragraph, including a copy of the deed**
2 **restrictions and release statements filed under this paragraph; and**

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

12 (r) Farm stands if:

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

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

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

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

36 (u) A facility for the processing of farm crops, or the production of biofuel as defined in ORS
37 315.141, that is located on a farm operation that provides at least one-quarter of the farm crops
38 processed at the facility. The building established for the processing facility shall not exceed 10,000
39 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm
40 use or devote more than 10,000 square feet to the processing activities within another building
41 supporting farm uses. A processing facility shall comply with all applicable siting standards but the
42 standards shall not be applied in a manner that prohibits the siting of the processing facility.

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

44 (w) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational
45 facilities, not including parks or other recreational structures and facilities, associated with a dis-

1 trict as defined in ORS 540.505.

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

5 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (d) Operations conducted for:

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

45 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-

1 sources subject to ORS 215.298;

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

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

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

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

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

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

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

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

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

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

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

43 (m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
44 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
45 shall not include any species under quarantine by the State Department of Agriculture or the United

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

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

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

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

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

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

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

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

18 (u) 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 the
24 metropolitan urban 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 as such by the
29 county governing body and organized under ORS chapter 65.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
37 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (i) Planned hours of operation;

34 (ii) Access, egress and parking;

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

37 (iv) Sanitation and solid waste.

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

- 1 (A) Must be incidental and subordinate to existing farm use on the tract;
- 2 (B) May not begin before 6 a.m. or end after 10 p.m.;
- 3 (C) May not involve more than 100 attendees or 50 vehicles;
- 4 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 5 (E) May not require or involve the construction or use of a new permanent structure in con-
- 6 nection with the agri-tourism or other commercial event or activity;
- 7 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
- 8 properties consent, in writing, to the location; and
- 9 (G) Must comply with applicable health and fire and life safety requirements.
- 10 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
- 11 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
- 12 use permit that is personal to the applicant and is not transferred by, or transferable with, a
- 13 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
- 14 local standards that apply, and the agri-tourism or other commercial events or activities:
- 15 (A) Must be incidental and subordinate to existing farm use on the tract;
- 16 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 17 (C) May not require that a new permanent structure be built, used or occupied in connection
- 18 with the agri-tourism or other commercial events or activities;
- 19 (D) Must comply with ORS 215.296;
- 20 (E) May not, in combination with other agri-tourism or other commercial events or activities
- 21 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 22 (F) Must comply with conditions established for:
- 23 (i) The types of agri-tourism or other commercial events or activities that are authorized during
- 24 each calendar year, including the number and duration of the agri-tourism or other commercial
- 25 events and activities, the anticipated daily attendance and the hours of operation;
- 26 (ii) The location of existing structures and the location of proposed temporary structures to be
- 27 used in connection with the agri-tourism or other commercial events or activities;
- 28 (iii) The location of access and egress and parking facilities to be used in connection with the
- 29 agri-tourism or other commercial events or activities;
- 30 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
- 31 public roads; and
- 32 (v) Sanitation and solid waste.
- 33 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
- 34 or other commercial events or activities that occur more frequently or for a longer period or that
- 35 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
- 36 commercial events or activities comply with any local standards that apply and the agri-tourism or
- 37 other commercial events or activities:
- 38 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
- 39 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
- 40 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
- 41 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
- 42 and
- 43 (D) Do not exceed 18 events or activities in a calendar year.
- 44 (12) A holder of a permit authorized by a county under subsection (11)(d) of this section must
- 45 request review of the permit at four-year intervals. Upon receipt of a request for review, the county

1 shall:

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

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

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

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

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

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

23 **SECTION 8.** ORS 215.283, as amended by section 3, chapter 74, Oregon Laws 2012, and section
24 5 of this 2013 Act, is amended to read:

25 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

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

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

44 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
45 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of

1 compressors, separators and other customary production equipment for an individual well adjacent
2 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
3 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

22 (o) Farm stands if:

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

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

32 (p) [*Subject to section 2 of this 2013 Act,*] Alteration, restoration or replacement of a lawfully
33 established dwelling[.] **that:**

34 (A) **Has intact exterior walls and roof structure;**

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

37 (C) **Has interior wiring for interior lights;**

38 (D) **Has a heating system; and**

39 (E) **In the case of replacement:**

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

1 **tion of approval, shall execute and record in the deed records for the county where the**
2 **property is located a deed restriction prohibiting the siting of a dwelling on that portion of**
3 **the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release**
4 **is placed in the deed records for the county. The release shall be signed by the county or its**
5 **designee and state that the provisions of this paragraph regarding replacement dwellings**
6 **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**
8 **siting of a new dwelling under the provisions of this paragraph, including a copy of the deed**
9 **restrictions and release statements filed under this paragraph; and**

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

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

30 (r) A facility for the processing of farm crops, or the production of biofuel as defined in ORS
31 315.141, that is located on a farm operation that provides at least one-quarter of the farm crops
32 processed at the facility. The building established for the processing facility shall not exceed 10,000
33 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm
34 use or devote more than 10,000 square feet to the processing activities within another building
35 supporting farm uses. A processing facility shall comply with all applicable siting standards but the
36 standards shall not be applied in a manner that prohibits the siting of the processing facility.

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

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

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

44 (A) A public right of way;

45 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-

1 jacent property owners has been obtained; or

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

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

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

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

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

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

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

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

22 (b) Operations conducted for:

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

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

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

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

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

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

41 (e) Community centers owned by a governmental agency or a nonprofit community organization
42 and operated primarily by and for residents of the local rural community. A community center au-
43 thorized under this paragraph may provide services to veterans, including but not limited to emer-
44 gency and transitional shelter, preparation and service of meals, vocational and educational
45 counseling and referral to local, state or federal agencies providing medical, mental health, disability

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

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

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

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

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

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

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

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

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

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

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

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

40 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
 41 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
 42 shall not include any species under quarantine by the State Department of Agriculture or the United
 43 States Department of Agriculture. The county shall provide notice of all applications under this
 44 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the
 45 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-

1 tive decision or initial public hearing on the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (a) A county may authorize a single agri-tourism or other commercial event or activity on a

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

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

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

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

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

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

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

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

18 (i) Planned hours of operation;

19 (ii) Access, egress and parking;

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

22 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

- 1 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 2 (C) May not require that a new permanent structure be built, used or occupied in connection
3 with the agri-tourism or other commercial events or activities;
- 4 (D) Must comply with ORS 215.296;
- 5 (E) May not, in combination with other agri-tourism or other commercial events or activities
6 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 7 (F) Must comply with conditions established for:
- 8 (i) The types of agri-tourism or other commercial events or activities that are authorized during
9 each calendar year, including the number and duration of the agri-tourism or other commercial
10 events and activities, the anticipated daily attendance and the hours of operation;
- 11 (ii) The location of existing structures and the location of proposed temporary structures to be
12 used in connection with the agri-tourism or other commercial events or activities;
- 13 (iii) The location of access and egress and parking facilities to be used in connection with the
14 agri-tourism or other commercial events or activities;
- 15 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
16 public roads; and
- 17 (v) Sanitation and solid waste.
- 18 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
19 or other commercial events or activities that occur more frequently or for a longer period or that
20 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
21 commercial events or activities comply with any local standards that apply and the agri-tourism or
22 other commercial events or activities:
- 23 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
24 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
- 25 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
- 26 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
27 and
- 28 (D) Do not exceed 18 events or activities in a calendar year.
- 29 (5) A holder of a permit authorized by a county under subsection (4)(d) of this section must re-
30 quest review of the permit at four-year intervals. Upon receipt of a request for review, the county
31 shall:
- 32 (a) Provide public notice and an opportunity for public comment as part of the review process;
33 and
- 34 (b) Limit its review to events and activities authorized by the permit, conformance with condi-
35 tions of approval required by the permit and the standards established by subsection (4)(d) of this
36 section.
- 37 (6) For the purposes of subsection (4) of this section:
- 38 (a) A county may authorize the use of temporary structures established in connection with the
39 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.
40 However, the temporary structures must be removed at the end of the agri-tourism or other event
41 or activity. The county may not approve an alteration to the land in connection with an agri-tourism
42 or other commercial event or activity authorized under subsection (4) of this section, including, but
43 not limited to, grading, filling or paving.
- 44 (b) The county may issue the limited use permits authorized by subsection (4)(c) of this section
45 for two calendar years. When considering an application for renewal, the county shall ensure com-

1 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and
2 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
3 authorized by the permit.

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

8 **SECTION 9.** ORS 215.417, as amended by section 6 of this 2013 Act, is amended to read:

9 215.417. (1) If a permit is approved under ORS 215.416 for a proposed residential development
10 on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293
11 or 215.317 to 215.438 or under county legislation or regulation, the permit shall be valid for four
12 years.

13 (2) An extension of a permit described in subsection (1) of this section shall be valid for two
14 years.

15 (3) For the purposes of this section, “residential development” only includes the dwellings pro-
16 vided for under ORS 215.213 (1)(q), (3) and (4), **215.283 (1)(p)**, 215.284, 215.317, 215.705 (1) to (3),
17 215.720, 215.740, 215.750 and 215.755 (1) and (3).

18 **SECTION 10. The amendments to ORS 215.213, 215.283 and 215.417 by sections 7, 8 and 9**
19 **of this 2013 Act become operative January 2, 2024.**

20 **SECTION 11. Sections 2 and 3 of this 2013 Act are repealed January 2, 2024.**

21