

B-Engrossed
House Bill 2746

Ordered by the Senate June 5
Including House Amendments dated April 26 and Senate Amendments
dated June 5

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 was assessed as a dwelling for purposes of ad valorem taxation**
20 **for the lesser of:**

21 **(A) The previous five property tax years unless the value of the dwelling was eliminated**
22 **as a result of the destruction, or demolition in the case of restoration, of the dwelling; or**

23 **(B) From the time when the dwelling was erected upon or affixed to the land and became**
24 **subject to assessment as described in ORS 307.010 unless the value of the dwelling was**
25 **eliminated as a result of the destruction, or demolition in the case of restoration, of the**
26 **dwelling.**

27 **(3) The dwelling may be altered, restored or replaced if, when an application for a permit**
28 **is submitted, the dwelling meets the requirements of subsection (2)(a) of this section, the**

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 dwelling does not meet the requirement of subsection (2)(b) of this section, and the applicant
2 establishes to the satisfaction of the permitting authority that the dwelling was improperly
3 removed from the tax roll by a person other than the current owner.

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

6 (a) The dwelling to be replaced must be removed, demolished or converted to an allowable
7 nonresidential use:

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

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

14 (b) The replacement dwelling:

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

16 (B) Must comply with applicable siting standards. However, the standards may not be
17 applied in a manner that prohibits the siting of the replacement dwelling.

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

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

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

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

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

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

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

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

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

43 (7) If an applicant is granted a deferred replacement permit under this section:

44 (a) The deferred replacement permit:

45 (A) Does not expire but, notwithstanding subsection (4)(a)(A) of this section, the permit

1 becomes void unless the dwelling to be replaced is removed or demolished within three
2 months after the deferred replacement permit is issued; and

3 (B) May not be transferred, by sale or otherwise, except by the applicant to the spouse
4 or a child of the applicant.

5 (b) The replacement dwelling must comply with applicable building codes, plumbing codes,
6 sanitation codes and other requirements relating to health and safety or to siting at the time
7 of construction. However, the standards may not be applied in a manner that prohibits the
8 siting of the replacement dwelling.

9 (8) As used in this section, “improperly removed” means, with respect to a dwelling re-
10 moved from the tax roll, that:

11 “(a) The dwelling has taxable value in its present state, or had taxable value when the
12 dwelling:

13 (A) Was first removed from the tax roll; or

14 (B) Was destroyed by fire or other act of God; and

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

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

21 (1) Removes, demolishes or converts to an allowable nonresidential use the dwelling to
22 be replaced; and

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

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

27 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
28 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 [(i) *Is removed, demolished or converted to an allowable nonresidential use within three months*
45 *of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of the*

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

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

21 (r) Farm stands if:

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

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

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

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

45 (u) A facility for the processing of farm crops, or the production of biofuel as defined in ORS

1 315.141, that is located on a farm operation that provides at least one-quarter of the farm crops
2 processed at the facility. The building established for the processing facility shall not exceed 10,000
3 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm
4 use or devote more than 10,000 square feet to the processing activities within another building
5 supporting farm uses. A processing facility shall comply with all applicable siting standards but the
6 standards shall not be applied in a manner that prohibits the siting of the processing facility.

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

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

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

14 (A) A public right of way;

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

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

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

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

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

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

30 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
31 the following uses may be established in any area zoned for exclusive farm use subject to ORS
32 215.296:

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

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

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

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

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

1 in annual gross farm income; or

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

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

6 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

45 (j) A site for the disposal of solid waste approved by the governing body of a city or county or

1 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-
2 mental Quality together with equipment, facilities or buildings necessary for its operation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,

1 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (i) Planned hours of operation;

43 (ii) Access, egress and parking;

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

1 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

28 (D) Must comply with ORS 215.296;

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

31 (F) Must comply with conditions established for:

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

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

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

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

41 (v) Sanitation and solid waste.

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

1 other commercial events or activities:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
42 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
43 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
44 operator does or will require the assistance of the relative in the management of the farm use and
45 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.

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

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

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

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

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

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

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

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

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

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

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

31 (o) Farm stands if:

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

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

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

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

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

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

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

3 (E) *In the case of replacement;*]

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

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

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

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

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

45 (t) *Irrigation reservoirs, canals, delivery lines and those structures and accessory operational*

1 facilities, not including parks or other recreational structures and facilities, associated with a dis-
2 trict as defined in ORS 540.505.

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

6 (A) A public right of way;

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

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

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

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

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

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

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

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

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

29 (b) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (i) Planned hours of operation;

26 (ii) Access, egress and parking;

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

29 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

11 (D) Must comply with ORS 215.296;

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

14 (F) Must comply with conditions established for:

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

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

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

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

24 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

45 (a) A county may authorize the use of temporary structures established in connection with the

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

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

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

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

16 215.417. (1) If a permit is approved under ORS 215.416 for a proposed residential development
17 on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293
18 or 215.317 to 215.438 or under county legislation or regulation, the permit shall be valid for four
19 years.

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

22 (3) For the purposes of this section, “residential development” only includes the dwellings pro-
23 vided for under ORS 215.213 [(1)(q),] (3) and (4), [215.283 (1)(p),] 215.284, 215.317, 215.705 (1) to (3),
24 215.720, 215.740, 215.750 and 215.755 (1) and (3).

25 **SECTION 7.** ORS 215.213, as amended by section 2, chapter 74, Oregon Laws 2012, and section
26 4 of this 2013 Act, is amended to read:

27 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
28 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 **(i) Is removed, demolished or converted to an allowable nonresidential use within three**
45 **months of the completion of the replacement dwelling. A replacement dwelling may be sited**

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

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

23 (r) Farm stands if:

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

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

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

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

1 ground.

2 (u) A facility for the processing of farm crops, or the production of biofuel as defined in ORS
3 315.141, that is located on a farm operation that provides at least one-quarter of the farm crops
4 processed at the facility. The building established for the processing facility shall not exceed 10,000
5 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm
6 use or devote more than 10,000 square feet to the processing activities within another building
7 supporting farm uses. A processing facility shall comply with all applicable siting standards but the
8 standards shall not be applied in a manner that prohibits the siting of the processing facility.

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

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

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

16 (A) A public right of way;

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

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

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

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

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

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

32 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
33 the following uses may be established in any area zoned for exclusive farm use subject to ORS
34 215.296:

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

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

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

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

45 (A) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar

1 years out of the three calendar years before the year in which the application for the dwelling was
2 made or is planted in perennials capable of producing upon harvest an average of at least \$20,000
3 in annual gross farm income; or

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

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

8 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

1 contiguous land where the primary processing facility is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (x) A landscape contracting business, as defined in ORS 671.520, or a business providing land-

1 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction
2 with the growing and marketing of nursery stock on the land that constitutes farm use.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (i) Planned hours of operation;

45 (ii) Access, egress and parking;

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

3 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

30 (D) Must comply with ORS 215.296;

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

33 (F) Must comply with conditions established for:

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

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

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

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

43 (v) Sanitation and solid waste.

44 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
45 or other commercial events or activities that occur more frequently or for a longer period or that

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

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

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

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

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

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

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

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

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

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

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

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

34 **SECTION 8.** ORS 215.283, as amended by section 3, chapter 74, Oregon Laws 2012, and section
35 5 of this 2013 Act, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (o) Farm stands if:

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

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

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

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

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

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

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

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

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

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

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

41 **(r) A facility for the processing of farm crops, or the production of biofuel as defined in ORS**
42 **315.141, that is located on a farm operation that provides at least one-quarter of the farm crops**
43 **processed at the facility. The building established for the processing facility shall not exceed 10,000**
44 **square feet of floor area exclusive of the floor area designated for preparation, storage or other farm**
45 **use or devote more than 10,000 square feet to the processing activities within another building**

1 supporting farm uses. A processing facility shall comply with all applicable siting standards but the
2 standards shall not be applied in a manner that prohibits the siting of the processing facility.

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

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

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

10 (A) A public right of way;

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

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

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

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

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

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

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

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

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

33 (b) Operations conducted for:

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

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

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

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

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

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

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

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

15 (f) Golf courses on land 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) Home occupations as provided in ORS 215.448.

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

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

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

- 1 (m) Transmission towers over 200 feet in height.
- 2 (n)(A) Commercial dog boarding kennels; or
- 3 (B) Dog training classes or testing trials that cannot be established under subsection (1)(x) of
- 4 this section.
- 5 (o) Residential homes as defined in ORS 197.660, in existing dwellings.
- 6 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
- 7 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
- 8 shall not include any species under quarantine by the State Department of Agriculture or the United
- 9 States Department of Agriculture. The county shall provide notice of all applications under this
- 10 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the
- 11 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
- 12 tive decision or initial public hearing on the application.
- 13 (q) Construction of additional passing and travel lanes requiring the acquisition of right of way
- 14 but not resulting in the creation of new land parcels.
- 15 (r) Reconstruction or modification of public roads and highways involving the removal or dis-
- 16 placement of buildings but not resulting in the creation of new land parcels.
- 17 (s) Improvement of public road and highway related facilities, such as maintenance yards, weigh
- 18 stations and rest areas, where additional property or right of way is required but not resulting in
- 19 the creation of new land parcels.
- 20 (t) A destination resort that is approved consistent with the requirements of any statewide
- 21 planning goal relating to the siting of a destination resort.
- 22 (u) Room and board arrangements for a maximum of five unrelated persons in existing resi-
- 23 dences.
- 24 (v) Operations for the extraction and bottling of water.
- 25 (w) Expansion of existing county fairgrounds and activities directly relating to county
- 26 fairgrounds governed by county fair boards established pursuant to ORS 565.210.
- 27 (x) A living history museum related to resource based activities owned and operated by a gov-
- 28 ernmental agency or a local historical society, together with limited commercial activities and fa-
- 29 cilities that are directly related to the use and enjoyment of the museum and located within
- 30 authentic buildings of the depicted historic period or the museum administration building, if areas
- 31 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
- 32 the museum administration buildings and parking lot are located within one quarter mile of an ur-
- 33 ban growth boundary. As used in this paragraph:
 - 34 (A) "Living history museum" means a facility designed to depict and interpret everyday life and
 - 35 culture of some specific historic period using authentic buildings, tools, equipment and people to
 - 36 simulate past activities and events; and
 - 37 (B) "Local historical society" means the local historical society recognized by the county gov-
 - 38 erning body and organized under ORS chapter 65.
- 39 (y) An aerial fireworks display business that has been in continuous operation at its current
- 40 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's
- 41 permit to sell or provide fireworks.
- 42 (z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-
- 43 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction
- 44 with the growing and marketing of nursery stock on the land that constitutes farm use.
- 45 (aa) Public or private schools for kindergarten through grade 12, including all buildings essential

1 to the operation of a school, primarily for residents of the rural area in which the school is located.

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

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

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

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

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

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

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

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

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

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

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

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

29 (i) Planned hours of operation;

30 (ii) Access, egress and parking;

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

33 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

15 (D) Must comply with ORS 215.296;

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

18 (F) Must comply with conditions established for:

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

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

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

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

28 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

1 tions of approval required by the permit and the standards established by subsection (4)(d) of this
2 section.

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

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

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

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

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

20 215.417. (1) If a permit is approved under ORS 215.416 for a proposed residential development
21 on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293
22 or 215.317 to 215.438 or under county legislation or regulation, the permit shall be valid for four
23 years.

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

26 (3) For the purposes of this section, “residential development” only includes the dwellings pro-
27 vided for under ORS 215.213 (1)(q), (3) and (4), **215.283 (1)(p)**, 215.284, 215.317, 215.705 (1) to (3),
28 215.720, 215.740, 215.750 and 215.755 (1) and (3).

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

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

32