

HOUSE AMENDMENTS TO HOUSE BILL 2746

By COMMITTEE ON LAND USE

April 26

1 On page 1 of the printed bill, delete lines 7 through 31.

2 On page 2, delete lines 1 through 29 and insert:

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

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

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

10 **“(A) Intact exterior walls and roof structure;**

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

13 **“(C) Interior wiring for interior lights; and**

14 **“(D) A heating system; and**

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

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

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

24 **“(a) The dwelling to be replaced must be removed, demolished or converted to an allow-**
25 **able nonresidential use:**

26 **“(A) Within one year after the date the replacement dwelling is certified for occupancy**
27 **pursuant to ORS 455.055; or**

28 **“(B) If the dwelling to be replaced is, in the discretion of the permitting authority, in**
29 **such a state of disrepair that the structure is unsafe for occupancy or constitutes an at-**
30 **tractive nuisance, on or before a date set by the permitting authority that is not less than**
31 **90 days after the replacement permit is issued.**

32 **“(b) The replacement dwelling:**

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

34 **“(B) Must comply with applicable building codes, plumbing codes, sanitation codes and**
35 **other requirements relating to health and safety or to siting at the time of construction.**

1 However, the standards may not be applied in a manner that prohibits the siting of the re-
2 placement dwelling.

3 “(c) As a condition of approval, if the dwelling to be replaced is located on a portion of
4 the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and
5 cause to be recorded in the deed records of the county in which the property is located a
6 deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel.
7 The restriction imposed is irrevocable unless the county planning director, or the director’s
8 designee, places a statement of release in the deed records of the county to the effect that
9 the provisions of this section and either ORS 215.213 or 215.283 regarding replacement
10 dwellings have changed to allow the lawful siting of another dwelling.

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

14 “(A) Under subsection (2) of this section because the dwelling formerly had the features
15 described in subsection (2) of this section;

16 “(B) Under subsection (3) of this section; or

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

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

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

21 “(B) If possible, for the purpose of minimizing the adverse impacts on resource use of
22 land in the area, within a concentration or cluster of structures or within 500 yards of an-
23 other structure.

24 “(6) The county planning director, or the director’s designee, shall maintain a record of
25 the lots and parcels that do not qualify for the siting of a new dwelling under subsection (4)
26 of this section, including a copy of the deed restrictions filed under subsection (4) of this
27 section.

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

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

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

34 “(8) As used in this section, ‘improperly removed’ means, with respect to a dwelling re-
35 moved from the tax roll, that:

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

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

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

44 “(1) Removes, demolishes or converts to an allowable nonresidential use the dwelling to
45 be replaced; and

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

3 On page 19, after line 29, insert:

4 **“SECTION 7.** ORS 215.213, as amended by section 2, chapter 74, Oregon Laws 2012, and section
5 4 of this 2013 Act, is amended to read:

6 “215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
7 Edition), the following uses may be established in any area zoned for exclusive farm use:

8 “(a) Churches and cemeteries in conjunction with churches.

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

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

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

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

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

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

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

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

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

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

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

7 “(m) Minor betterment of existing public road and highway related facilities, such as mainte-
8 nance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and
9 contiguous public-owned property utilized to support the operation and maintenance of public roads
10 and highways.

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

13 “(o) Creation, restoration or enhancement of wetlands.

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

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

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

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

20 “(C) **Has interior wiring for interior lights;**

21 “(D) **Has a heating system; and**

22 “(E) **In the case of replacement:**

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

38 “(ii) **For which the applicant has requested a deferred replacement permit, is removed**
39 **or demolished within three months after the deferred replacement permit is issued. A de-**
40 **ferred replacement permit allows construction of the replacement dwelling at any time. If,**
41 **however, the established dwelling is not removed or demolished within three months after**
42 **the deferred replacement permit is issued, the permit becomes void. The replacement dwell-**
43 **ing must comply with applicable building codes, plumbing codes, sanitation codes and other**
44 **requirements relating to health and safety or to siting at the time of construction. A de-**
45 **ferred replacement permit may not be transferred, by sale or otherwise, except by the ap-**

1 **plicant to the spouse or a child of the applicant.**

2 “(r) Farm stands if:

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

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

12 “(s) An armed forces reserve center, if the center is within one-half mile of a community college.
13 For purposes of this paragraph, ‘armed forces reserve center’ includes an armory or National Guard
14 support facility.

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

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

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

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

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

40 “(A) A public right of way;

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

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

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

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

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

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

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

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

14 “(a) A primary dwelling in conjunction with farm use or the propagation or harvesting of a
15 forest product on a lot or parcel that is managed as part of a farm operation or woodlot if the farm
16 operation or woodlot:

17 “(A) Consists of 20 or more acres; and

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

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

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

28 “(B) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross
29 annual income.

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

32 “(d) Operations conducted for:

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

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

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

38 “(D) Processing of other mineral resources and other subsurface resources.

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

1 provide by rule for an increase in the number of yurts allowed on all or a portion of the
2 campgrounds in a county if the commission determines that the increase will comply with the stan-
3 dards described in ORS 215.296 (1). A public park or campground may be established as provided
4 under ORS 195.120. As used in this paragraph, 'yurt' means a round, domed shelter of cloth or can-
5 vas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

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

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

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

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

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

28 "(k)(A) Commercial dog boarding kennels; or

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

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

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

39 "(n) Home occupations as provided in ORS 215.448.

40 "(o) Transmission towers over 200 feet in height.

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

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

45 "(r) Improvement of public road and highway related facilities such as maintenance yards, weigh

1 stations and rest areas, where additional property or right of way is required but not resulting in
2 the creation of new land parcels.

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

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

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

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

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

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

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

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

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

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

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

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

42 “(c) Complies with such other conditions as the governing body or its designee considers nec-
43 essary.

44 “(4) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
45 one single-family dwelling, not provided in conjunction with farm use, may be established in any

1 area zoned for exclusive farm use on a lot or parcel described in subsection (7) of this section that
2 is not larger than three acres upon written findings showing:

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

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

10 “(c) The dwelling complies with other conditions considered necessary by the governing body
11 or its designee.

12 “(5) Upon receipt of an application for a permit under subsection (4) of this section, the gov-
13 erning body shall notify:

14 “(a) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be
15 established; and

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

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

27 “(7) Subsection (4) of this section applies to a lot or parcel lawfully created between January
28 1, 1948, and July 1, 1983. For the purposes of this section:

29 “(a) Only one lot or parcel exists if:

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

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

35 “(b) ‘Contiguous’ means lots, parcels or lots and parcels that have a common boundary, including
36 but not limited to, lots, parcels or lots and parcels separated only by a public road.

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

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

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

45 “(a) Adoption of an exception to the goal related to agricultural lands and to any other appli-

1 cable goal with which the facility or improvement does not comply; or

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

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

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

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

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

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

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

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

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

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

24 “(i) Planned hours of operation;

25 “(ii) Access, egress and parking;

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

28 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

10 “(D) Must comply with ORS 215.296;

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

13 “(F) Must comply with conditions established for:

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

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

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

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

23 “(v) Sanitation and solid waste.

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

29 “(A) Are incidental and subordinate to existing commercial farm use of the tract and are nec-
30 essary to support the commercial farm uses or the commercial agricultural enterprises in the area;

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

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

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

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

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

40 “(b) Limit its review to events and activities authorized by the permit, conformance with con-
41 ditions of approval required by the permit and the standards established by subsection (11)(d) of this
42 section.

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

44 “(a) A county may authorize the use of temporary structures established in connection with the
45 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-

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

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

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

14 “**SECTION 8.** ORS 215.283, as amended by section 3, chapter 74, Oregon Laws 2012, and section
15 5 of this 2013 Act, is amended to read:

16 “215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

17 “(a) Churches and cemeteries in conjunction with churches.

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

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

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

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

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

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

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

44 “(i) Reconstruction or modification of public roads and highways, including the placement of
45 utility facilities overhead and in the subsurface of public roads and highways along the public right

1 of way, but not including the addition of travel lanes, where no removal or displacement of buildings
2 would occur, or no new land parcels result.

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

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

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

11 “(m) Creation, restoration or enhancement of wetlands.

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

13 “(o) Farm stands if:

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

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

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

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

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

28 “(C) **Has interior wiring for interior lights;**

29 “(D) **Has a heating system; and**

30 “(E) **In the case of replacement:**

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

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

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

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

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

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

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

35 “(A) A public right of way;

36 “(B) Land immediately adjacent to a public right of way, provided the written consent of all
37 adjacent property owners has been obtained; or

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

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

45 “(w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to

1 provide rural law enforcement services primarily in rural areas, including parole and post-prison
2 supervision, but not including a correctional facility as defined under ORS 162.135.

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

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

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

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

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

13 “(b) Operations conducted for:

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

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

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

19 “(D) Processing of other mineral resources and other subsurface resources.

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

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

32 “(e) Community centers owned by a governmental agency or a nonprofit community organization
33 and operated primarily by and for residents of the local rural community. A community center au-
34 thorized under this paragraph may provide services to veterans, including but not limited to emer-
35 gency and transitional shelter, preparation and service of meals, vocational and educational
36 counseling and referral to local, state or federal agencies providing medical, mental health, disability
37 income replacement and substance abuse services, only in a facility that is in existence on January
38 1, 2006. The services may not include direct delivery of medical, mental health, disability income
39 replacement or substance abuse services.

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

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

42 “(h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
43 tenance and service facilities. A personal-use airport, as used in this section, means an airstrip re-
44 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional
45 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-

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

6 “(i) Home occupations as provided in ORS 215.448.

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

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

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

26 “(m) Transmission towers over 200 feet in height.

27 “(n)(A) Commercial dog boarding kennels; or

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

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

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

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

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

42 “(s) Improvement of public road and highway related facilities, such as maintenance yards,
43 weigh stations and rest areas, where additional property or right of way is required but not result-
44 ing in the creation of new land parcels.

45 “(t) A destination resort that is approved consistent with the requirements of any statewide

1 planning goal relating to the siting of a destination resort.

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

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

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

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

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

17 “(B) ‘Local historical society’ means the local historical society recognized by the county gov-
18 erning body and organized under ORS chapter 65.

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

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

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

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

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

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

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

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

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

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

45 “(C) The maximum attendance at the agri-tourism or other commercial event or activity does

1 not exceed 500 people;

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

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

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

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

10 “(i) Planned hours of operation;

11 “(ii) Access, egress and parking;

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

14 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

41 “(D) Must comply with ORS 215.296;

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

44 “(F) Must comply with conditions established for:

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

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

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

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

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

9 “(v) Sanitation and solid waste.

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

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

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

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

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

21 “(5) A holder of a permit authorized by a county under subsection (4)(d) of this section must
22 request review of the permit at four-year intervals. Upon receipt of a request for review, the county
23 shall:

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

26 “(b) Limit its review to events and activities authorized by the permit, conformance with con-
27 ditions of approval required by the permit and the standards established by subsection (4)(d) of this
28 section.

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

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

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

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

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

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

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

7 “(3) For the purposes of this section, ‘residential development’ only includes the dwellings pro-
8 vided for under ORS 215.213 (1)(q), (3) and (4), **215.283 (1)(p)**, 215.284, 215.317, 215.705 (1) to (3),
9 215.720, 215.740, 215.750 and 215.755 (1) and (3).

10 “**SECTION 10. The amendments to ORS 215.213, 215.283 and 215.417 by sections 7, 8 and**
11 **9 of this 2013 Act become operative January 2, 2024.**

12 “**SECTION 11. Sections 2 and 3 of this 2013 Act are repealed January 2, 2024.**”
13
