

Senate Bill 449

Sponsored by Senator GEORGE (Presession filed.)

SUMMARY

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

Directs counties to establish minimum lot or parcel size for land zoned for exclusive farm use, for land zoned for forest use and for land zoned for mixed farm and forest use. Prohibits Land Conservation and Development Commission from establishing minimum lot or parcel size for land zoned for exclusive farm use, for forest use or for mixed farm and forest use.

A BILL FOR AN ACT

1
2 Relating to minimum size of units of land; creating new provisions; amending ORS 92.176, 92.178,
3 197.065, 197.650, 197.651, 215.213, 215.262, 215.263 and 215.283; and repealing ORS 215.780.

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 chapter 215.**

6 **SECTION 2. (1) A county shall establish a minimum lot or parcel size for land zoned for:**

7 (a) **Exclusive farm use;**

8 (b) **Forest use; and**

9 (c) **Mixed farm and forest use.**

10 **(2) The Land Conservation and Development Commission may not establish a minimum**
11 **lot or parcel size for land zoned for:**

12 (a) **Exclusive farm use;**

13 (b) **Forest use; or**

14 (c) **Mixed farm and forest use.**

15 **SECTION 3. ORS 215.780 is repealed.**

16 **SECTION 4. ORS 92.176 is amended to read:**

17 92.176. (1) A county or city may approve an application to validate a unit of land that was
18 created by a sale that did not comply with the applicable criteria for creation of a unit of land if
19 the unit of land:

20 (a) Is not a lawfully established unit of land; and

21 (b) Could have complied with the applicable criteria for the creation of a lawfully established
22 unit of land in effect when the unit of land was sold.

23 (2) Notwithstanding subsection (1)(b) of this section, a county or city may approve an application
24 to validate a unit of land under this section if the county or city approved a permit, as defined in
25 ORS 215.402 or 227.160, respectively, for the construction or placement of a dwelling or other
26 building on the unit of land after the sale. If the permit was approved for a dwelling, the county or
27 city must determine that the dwelling qualifies for replacement under the criteria set forth in ORS
28 215.755 (1)(a) to (e).

29 (3) A county or city may approve an application for a permit, as defined in ORS 215.402 or
30 227.160, respectively, or a permit under the applicable state or local building code for the continued

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 use of a dwelling or other building on a unit of land that was not lawfully established if:

2 (a) The dwelling or other building was lawfully established prior to January 1, 2007; and

3 (b) The permit does not change or intensify the use of the dwelling or other building.

4 (4) An application to validate a unit of land under this section is an application for a permit,
5 as defined in ORS 215.402 or 227.160. An application to a county under this section is not subject
6 to the minimum lot or parcel sizes established [*by ORS 215.780*] **by the county under section 2**
7 **of this 2013 Act.**

8 (5) A unit of land becomes a lawfully established parcel when the county or city validates the
9 unit of land under this section if the owner of the unit of land causes a partition plat to be recorded
10 within 90 days after the date the county or city validates the unit of land.

11 (6) A county or city may not approve an application to validate a unit of land under this section
12 if the unit of land was unlawfully created on or after January 1, 2007.

13 (7) Development or improvement of a parcel created under subsection (5) of this section must
14 comply with the applicable laws in effect when a complete application for the development or im-
15 provement is submitted as described in ORS 215.427 (3)(a) or 227.178 (3)(a).

16 **SECTION 5.** ORS 92.178 is amended to read:

17 92.178. (1) The governing body of a county may approve an application requesting formation of
18 one parcel if the county issued a land use decision approving the parcel prior to January 1, 1994,
19 and:

20 (a) A plat implementing the previous land use decision was not recorded; or

21 (b) A condition of approval of the previously approved land use decision requiring consolidation
22 of adjacent lots or parcels was not complied with by a previous owner of the land.

23 (2) An application under this section is not subject to [*ORS 215.780*] **the minimum lot or**
24 **parcel sizes established under section 2 of this 2013 Act.**

25 (3) Approval of an application under this section does not affect the legal status of land that is
26 not the subject of the application.

27 (4) As used in this section:

28 (a) "Lot" has the meaning given the term in ORS 92.010.

29 (b) "Parcel" has the meaning given the term in ORS 92.010.

30 **SECTION 6.** ORS 197.065 is amended to read:

31 197.065. (1) Prior to each odd-numbered year regular legislative session, the Land Conservation
32 and Development Commission shall submit to the appropriate legislative committee a written report
33 analyzing applications approved and denied for:

34 (a) New and replacement dwellings under:

35 (A) ORS 215.213 (1)(d) and (f), (2)(a) and (b), (3) and (4), 215.283 (1)(d) and (e), 215.284 and 215.705;
36 and

37 (B) Any land zoned for forest use under any statewide planning goal that relates to forestland;

38 (b) Divisions of land under:

39 (A) ORS 215.263 (2), (4) and (5); and

40 (B) Any land zoned for forest use under any statewide planning goal that relates to forestland;

41 (c) Dwellings and land divisions approved for marginal lands under:

42 (A) ORS 215.317 or 215.327; and

43 (B) Any land zoned for forest use under any statewide planning goal that relates to forestland;

44 and

45 (d) Such other matters pertaining to protection of agricultural or forest land as the commission

1 deems appropriate.

2 (2) The governing body of each county shall provide the Department of Land Conservation and
3 Development with a report of its actions involving those dwellings, land divisions and land desig-
4 nations upon which the commission must report to the appropriate legislative committee under
5 subsection (1) of this section. The department shall establish, after consultation with county gov-
6 erning bodies, an annual reporting period and may establish a schedule for receiving county reports
7 at intervals within the reporting period. The report shall be on a standard form with a standardized
8 explanation adopted by the commission and shall be eligible for grants by the commission. The re-
9 port shall include the findings for each action except actions involving:

10 (a) Dwellings authorized by ORS 215.213 (1)(d) or 215.283 (1)(d); or

11 (b) Land divisions authorized by ORS 215.263 (2) creating parcels as large as or larger than a
12 minimum size established by [*the commission under ORS 215.780*] **a county pursuant to section 2**
13 **of this 2013 Act.**

14 (3) The governing body of each county shall, upon request by the department, provide the de-
15 partment with other information necessary to carry out subsection (1) of this section.

16 **SECTION 7.** ORS 197.650 is amended to read:

17 197.650. (1) A Land Conservation and Development Commission final order issued pursuant to
18 ORS 197.180, 197.251, 197.626, 197.628 to 197.651, 197.652 to 197.658, 197.659[, 215.780] or 215.788 to
19 215.794 may be appealed to the Court of Appeals by persons who participated in proceedings, if any,
20 that led to issuance of the final order being appealed.

21 (2) Jurisdiction for judicial review of a final order of the commission issued pursuant to ORS
22 197.180, 197.251, 197.626, 197.628 to 197.651, 197.652 to 197.658, 197.659[, 215.780] or 215.788 to
23 215.794 is conferred upon the Court of Appeals.

24 **SECTION 8.** ORS 197.651 is amended to read:

25 197.651. (1) Judicial review of a final order of the Land Conservation and Development Com-
26 mission under ORS 197.626 concerning the designation of urban reserves under ORS 195.145 (1)(b)
27 or rural reserves under ORS 195.141 is as provided in subsections (3) to (12) of this section.

28 (2) Judicial review of any other final order of the commission under ORS 197.626 or of a final
29 order of the commission under 197.180, 197.251, 197.628 to 197.651, 197.652 to 197.658, 197.659[,
30 215.780] or 215.788 to 215.794 is as provided in subsections (3) to (7), (9), (10) and (12) of this section.

31 (3) A proceeding for judicial review under this section may be instituted by filing a petition in
32 the Court of Appeals. The petition must be filed within 21 days after the date the commission de-
33 livered or mailed the order upon which the petition is based.

34 (4) The filing of the petition, as set forth in subsection (3) of this section, and service of a peti-
35 tion on the persons who submitted oral or written testimony in the proceeding before the commis-
36 sion are jurisdictional and may not be waived or extended.

37 (5) The petition must state the nature of the order the petitioner seeks to have reviewed. Copies
38 of the petition must be served by registered or certified mail upon the commission and the persons
39 who submitted oral or written testimony in the proceeding before the commission.

40 (6) Within 21 days after service of the petition, the commission shall transmit to the Court of
41 Appeals the original or a certified copy of the entire record of the proceeding under review. How-
42 ever, by stipulation of the parties to the review proceeding, the record may be shortened. The Court
43 of Appeals may tax a party that unreasonably refuses to stipulate to limit the record for the addi-
44 tional costs. The Court of Appeals may require or permit subsequent corrections or additions to the
45 record. Except as specifically provided in this subsection, the Court of Appeals may not tax the cost

1 of the record to the petitioner or an intervening party. However, the Court of Appeals may tax the
2 costs to a party that files a frivolous petition for judicial review.

3 (7) Petitions and briefs must be filed within time periods and in a manner established by the
4 Court of Appeals by rule.

5 (8) The Court of Appeals shall:

6 (a) Hear oral argument within 49 days of the date of transmittal of the record unless the Court
7 of Appeals determines that the ends of justice served by holding oral argument on a later day out-
8 weigh the best interests of the public and the parties. However, the Court of Appeals may not hold
9 oral argument more than 49 days after the date of transmittal of the record because of general
10 congestion of the court calendar or lack of diligent preparation or attention to the case by a member
11 of the court or a party.

12 (b) Set forth in writing and provide to the parties a determination to hear oral argument more
13 than 49 days from the date the record is transmitted, together with the reasons for the determi-
14 nation. The Court of Appeals shall schedule oral argument as soon as is practicable.

15 (c) Consider, in making a determination under paragraph (b) of this subsection:

16 (A) Whether the case is so unusual or complex, due to the number of parties or the existence
17 of novel questions of law, that 49 days is an unreasonable amount of time for the parties to brief
18 the case and for the Court of Appeals to prepare for oral argument; and

19 (B) Whether the failure to hold oral argument at a later date likely would result in a miscar-
20 riage of justice.

21 (9) The court:

22 (a) Shall limit judicial review of an order reviewed under this section to the record.

23 (b) May not substitute its judgment for that of the Land Conservation and Development Com-
24 mission as to an issue of fact.

25 (10) The Court of Appeals may affirm, reverse or remand an order reviewed under this section.
26 The Court of Appeals shall reverse or remand the order only if the court finds the order is:

27 (a) Unlawful in substance or procedure. However, error in procedure is not cause for reversal
28 or remand unless the Court of Appeals determines that substantial rights of the petitioner were
29 prejudiced.

30 (b) Unconstitutional.

31 (c) Not supported by substantial evidence in the whole record as to facts found by the commis-
32 sion.

33 (11) The Court of Appeals shall issue a final order on the petition for judicial review with the
34 greatest possible expediency.

35 (12) If the order of the commission is remanded by the Court of Appeals or the Supreme Court,
36 the commission shall respond to the court's appellate judgment within 30 days.

37 **SECTION 9. Notwithstanding the repeal of ORS 215.780 by section 3 of this 2013 Act or**
38 **the amendments to ORS 197.650 and 197.651 by sections 7 and 8 of this 2013 Act, for all final**
39 **orders of the Land Conservation and Development Commission issued under ORS 215.780 on**
40 **or before the effective date of this 2013 Act:**

41 **(1) A person who participated in proceedings, if any, that led to issuance of the final or-**
42 **der may appeal the final order to the Court of Appeals; and**

43 **(2) The Court of Appeals has jurisdiction to review the final order.**

44 **SECTION 10.** ORS 215.213, as amended by section 2, chapter 74, Oregon Laws 2012, is amended
45 to read:

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

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

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

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

9 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
10 farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,
11 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
12 operator does or will require the assistance of the relative in the management of the farm use and
13 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
14 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements [*under ORS*
15 *215.780*] **established by a county under section 2 of this 2013 Act**, if the owner of a dwelling
16 described in this paragraph obtains construction financing or other financing secured by the dwell-
17 ing and the secured party forecloses on the dwelling, the secured party may also foreclose on the
18 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the
19 homesite to create a new parcel.

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

21 (f) Subject to ORS 215.279, primary or accessory dwellings customarily provided in conjunction
22 with farm use. For a primary dwelling, the dwelling must be on a lot or parcel that is managed as
23 part of a farm operation and is not smaller than the minimum lot size in a farm zone with a minimum
24 lot size [*acknowledged under ORS 197.251*] **established by the county under section 2 of this 2013**
25 **Act**.

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

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

34 (i) 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 paragraph (q) of this subsection.

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

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

1 would occur, or no new land parcels result.

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

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

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

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

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

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

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

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

16 (C) Has interior wiring for interior lights;

17 (D) Has a heating system; and

18 (E) In the case of replacement:

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

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

41 (r) Farm stands if:

42 (A) The structures are designed and used for the sale of farm crops or livestock grown on the
43 farm operation, or grown on the farm operation and other farm operations in the local agricultural
44 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm
45 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-

1 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
2 and

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

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

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

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

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

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

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

34 (A) A public right of way;

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

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

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

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

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

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

5 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
6 the following uses may be established in any area zoned for exclusive farm use subject to ORS
7 215.296:

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

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

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

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

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

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

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

26 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (t) Room and board arrangements for a maximum of five unrelated persons in existing resi-

1 dences.

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (b) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a
45 geological hazard area, the dwelling complies with conditions imposed by local ordinances relating

1 specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is
2 applicable; and

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

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

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

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

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

20 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
21 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

44 (a) A county may authorize a single agri-tourism or other commercial event or activity on a
45 tract in a calendar year by an authorization that is personal to the applicant and is not transferred

1 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event
2 or activity meets any local standards that apply and:

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

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

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

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

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

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

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

17 (i) Planned hours of operation;

18 (ii) Access, egress and parking;

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

21 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

3 (D) Must comply with ORS 215.296;

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

6 (F) Must comply with conditions established for:

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

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

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

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

16 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

43 (b) The county may issue the limited use permits authorized by subsection (11)(c) of this section
 44 for two calendar years. When considering an application for renewal, the county shall ensure com-
 45 pliance with the provisions of subsection (11)(c) of this section, any local standards that apply and

1 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
2 authorized by the permit.

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

7 **SECTION 11.** ORS 215.262 is amended to read:

8 215.262. [(1)] The Legislative Assembly declares that the creation of small parcels for nonfarm
9 dwellings in exclusive farm use zones introduces potential conflicts into commercial agricultural
10 areas and allows a limited number of nonfarm dwellings in exclusive farm use zones. To protect the
11 state’s land base for commercial agriculture from being divided into multiple parcels for nonfarm
12 dwellings while continuing to allow a limited number of nonfarm dwellings on less productive agri-
13 cultural land not suitable for farm use, it is necessary to:

14 [(a)] (1) Limit the incremental division of lots or parcels larger than the minimum size estab-
15 lished [under ORS 215.780] **by a county under section 2 of this 2013 Act** into smaller lots or
16 parcels for the purpose of creating new nonfarm dwellings; and

17 [(b)] (2) Allow a limited number of lots or parcels equal to or less than the minimum size es-
18 tablished [under ORS 215.780] **by a county under section 2 of this 2013 Act** to be partitioned into
19 not more than two parcels unsuitable for farm use and eligible for siting nonfarm dwellings under
20 ORS 215.284.

21 [(2) *The amendments to ORS 215.263 by section 3, chapter 704, Oregon Laws 2001, address the*
22 *partition of land within an exclusive farm use zone to create parcels smaller than the minimum size*
23 *established under ORS 215.780 for the purpose of siting dwellings not provided in conjunction with*
24 *farm use in eastern Oregon, as defined in ORS 321.805, and in western Oregon, as defined in ORS*
25 *321.257.*]

26 **SECTION 12.** ORS 215.263 is amended to read:

27 215.263. (1) Any proposed division of land included within an exclusive farm use zone resulting
28 in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the
29 governing body or its designee of the county in which the land is situated. The governing body of
30 a county by ordinance shall require prior review and approval for divisions of land within exclusive
31 farm use zones established within the county.

32 (2) The governing body of a county or its designee may approve a proposed division of land to
33 create parcels for farm use as defined in ORS 215.203 if it finds:

34 (a) That the proposed division of land is appropriate for the continuation of the existing com-
35 mercial agricultural enterprise within the area; or

36 (b) The parcels created by the proposed division are not smaller than the minimum size estab-
37 lished [under ORS 215.780] **by the county under section 2 of this 2013 Act.**

38 (3) The governing body of a county or its designee may approve a proposed division of land in
39 an exclusive farm use zone for nonfarm uses, except dwellings, set out in ORS 215.213 (2) or 215.283
40 (2) if it finds that the parcel for the nonfarm use is not larger than the minimum size necessary for
41 the use. The governing body may establish other criteria as it considers necessary.

42 (4) In western Oregon, as defined in ORS 321.257, but not in the Willamette Valley, as defined
43 in ORS 215.010, the governing body of a county or its designee:

44 (a) May approve a division of land in an exclusive farm use zone to create up to two new parcels
45 smaller than the minimum size established [under ORS 215.780] **by the county under section 2 of**

1 **this 2013 Act**, each to contain a dwelling not provided in conjunction with farm use if:

2 (A) The nonfarm dwellings have been approved under ORS 215.213 (3) or 215.284 (2) or (3);

3 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully
4 created prior to July 1, 2001;

5 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with
6 the minimum size established [*under ORS 215.780*] **by the county under section 2 of this 2013**
7 **Act**;

8 (D) The remainder of the original lot or parcel that does not contain the nonfarm dwellings
9 complies with the minimum size established [*under ORS 215.780*] **by the county under section 2**
10 **of this 2013 Act**; and

11 (E) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm
12 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-
13 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-
14 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or
15 forest use in conjunction with other land.

16 (b) May approve a division of land in an exclusive farm use zone to divide a lot or parcel into
17 two parcels, each to contain one dwelling not provided in conjunction with farm use if:

18 (A) The nonfarm dwellings have been approved under ORS 215.284 (2) or (3);

19 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully
20 created prior to July 1, 2001;

21 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or
22 smaller than the minimum size established [*under ORS 215.780*] **by the county under section 2 of**
23 **this 2013 Act** but equal to or larger than 40 acres;

24 (D) The parcels for the nonfarm dwellings are:

25 (i) Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber;
26 and

27 (ii) Composed of at least 90 percent Class VI through VIII soils;

28 (E) The parcels for the nonfarm dwellings do not have established water rights for irrigation;
29 and

30 (F) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm
31 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-
32 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-
33 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or
34 forest use in conjunction with other land.

35 (5) In eastern Oregon, as defined in ORS 321.805, the governing body of a county or its designee:

36 (a) May approve a division of land in an exclusive farm use zone to create up to two new parcels
37 smaller than the minimum size established [*under ORS 215.780*] **by the county under section 2 of**
38 **this 2013 Act**, each to contain a dwelling not provided in conjunction with farm use if:

39 (A) The nonfarm dwellings have been approved under ORS 215.284 (7);

40 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully
41 created prior to July 1, 2001;

42 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with
43 the minimum size established [*under ORS 215.780*] **by the county under section 2 of this 2013**
44 **Act**;

45 (D) The remainder of the original lot or parcel that does not contain the nonfarm dwellings

1 complies with the minimum size established [*under ORS 215.780*] **by the county under section 2**
2 **of this 2013 Act**; and

3 (E) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm
4 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-
5 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-
6 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or
7 forest use in conjunction with other land.

8 (b) May approve a division of land in an exclusive farm use zone to divide a lot or parcel into
9 two parcels, each to contain one dwelling not provided in conjunction with farm use if:

10 (A) The nonfarm dwellings have been approved under ORS 215.284 (7);

11 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully
12 created prior to July 1, 2001;

13 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or
14 smaller than the minimum size established [*under ORS 215.780*] **by the county under section 2 of**
15 **this 2013 Act** but equal to or larger than 40 acres;

16 (D) The parcels for the nonfarm dwellings are:

17 (i) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber;
18 and

19 (ii) Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90
20 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage
21 for grazing livestock. The Land Conservation and Development Commission, in cooperation with the
22 State Department of Agriculture and other interested persons, may establish by rule objective cri-
23 teria for identifying units of land that are not capable of producing adequate herbaceous forage for
24 grazing livestock. In developing the criteria, the commission shall use the latest information from
25 the United States Natural Resources Conservation Service and consider costs required to utilize
26 grazing lands that differ in acreage and productivity level;

27 (E) The parcels for the nonfarm dwellings do not have established water rights for irrigation;
28 and

29 (F) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm
30 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-
31 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-
32 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or
33 forest use in conjunction with other land.

34 (6) This section does not apply to the creation or sale of cemetery lots, if a cemetery is within
35 the boundaries designated for a farm use zone at the time the zone is established.

36 (7) This section does not apply to divisions of land resulting from lien foreclosures or divisions
37 of land resulting from foreclosure of recorded contracts for the sale of real property.

38 (8) The governing body of a county may not approve any proposed division of a lot or parcel
39 described in ORS 215.213 (1)(d) or (i), 215.283 (1)(d) or (2)(L) or 215.284 (1), or a proposed division
40 that separates a processing facility from the farm operation specified in ORS 215.213 (1)(u) or 215.283
41 (1)(r).

42 (9) The governing body of a county may approve a proposed division of land in an exclusive farm
43 use zone to create a parcel with an existing dwelling to be used:

44 (a) As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved
45 under ORS 215.213 (3) or 215.284 (1), (2), (3), (4) or (7); and

1 (b) For historic property that meets the requirements of ORS 215.213 (1)(n) and 215.283 (1)(L).

2 (10)(a) Notwithstanding [ORS 215.780] a **minimum lot or parcel size established by the**
 3 **county under section 2 of this 2013 Act**, the governing body of a county or its designee may ap-
 4 prove a proposed division of land provided:

5 (A) The land division is for the purpose of allowing a provider of public parks or open space,
 6 or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels;
 7 and

8 (B) A parcel created by the land division that contains a dwelling is large enough to support
 9 continued residential use of the parcel.

10 (b) A parcel created pursuant to this subsection that does not contain a dwelling:

11 (A) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

12 (B) May not be considered in approving or denying an application for siting any other dwelling;

13 (C) May not be considered in approving a redesignation or rezoning of forestlands except for a
 14 redesignation or rezoning to allow a public park, open space or other natural resource use; and

15 (D) May not be smaller than 25 acres unless the purpose of the land division is:

16 (i) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a
 17 wildlife habitat protection plan; or

18 (ii) To allow a transaction in which at least one party is a public park or open space provider,
 19 or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000
 20 acres of open space or park property.

21 (11) The governing body of a county or its designee may approve a division of land smaller than
 22 the minimum lot or parcel size [described in ORS 215.780 (1) and (2)] **established by the county**
 23 **under section 2 of this 2013 Act** in an exclusive farm use zone provided:

24 (a) The division is for the purpose of establishing a church, including cemeteries in conjunction
 25 with the church;

26 (b) The church has been approved under ORS 215.213 (1) or 215.283 (1);

27 (c) The newly created lot or parcel is not larger than five acres; and

28 (d) The remaining lot or parcel, not including the church, meets the minimum lot or parcel size
 29 [described in ORS 215.780 (1) and (2)] **established by the county under section 2 of this 2013 Act**
 30 either by itself or after [it] **the lot or parcel** is consolidated with another lot or parcel.

31 (12) Notwithstanding the minimum lot or parcel size [described in ORS 215.780 (1) or (2)] **es-**
 32 **established by the county under section 2 of this 2013 Act**, the governing body of a county or its
 33 designee may approve a proposed division of land in an exclusive farm use zone for the nonfarm uses
 34 set out in ORS 215.213 (1)(v) or 215.283 (1)(s) if it finds that the parcel for the nonfarm use is not
 35 larger than the minimum size necessary for the use. The governing body may establish other criteria
 36 as it considers necessary.

37 (13) The governing body of a county may not approve a division of land for nonfarm use under
 38 subsection (3), (4), (5), (9), (10), (11) or (12) of this section unless any additional tax imposed for the
 39 change in use has been paid.

40 (14) Parcels used or to be used for training or stabling facilities may not be considered appro-
 41 priate to maintain the existing commercial agricultural enterprise in an area where other types of
 42 agriculture occur.

43 **SECTION 13.** ORS 215.283, as amended by section 3, chapter 74, Oregon Laws 2012, is amended
 44 to read:

45 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

- 1 (a) Churches and cemeteries in conjunction with churches.
- 2 (b) The propagation or harvesting of a forest product.
- 3 (c) Utility facilities necessary for public service, including wetland waste treatment systems but
4 not including commercial facilities for the purpose of generating electrical power for public use by
5 sale or transmission towers over 200 feet in height. A utility facility necessary for public service
6 may be established as provided in ORS 215.275.
- 7 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
8 farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,
9 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
10 operator does or will require the assistance of the relative in the management of the farm use and
11 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
12 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size [*requirements under ORS*
13 *215.780*] **established by a county under section 2 of this 2013 Act**, if the owner of a dwelling
14 described in this paragraph obtains construction financing or other financing secured by the dwell-
15 ing and the secured party forecloses on the dwelling, the secured party may also foreclose on the
16 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the
17 homesite to create a new parcel.
- 18 (e) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily
19 provided in conjunction with farm use.
- 20 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
21 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
22 compressors, separators and other customary production equipment for an individual well adjacent
23 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
24 an exception under ORS 197.732 (2)(a) or (b).
- 25 (g) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or
26 construction relating to such operations shall not be a basis for an exception under ORS 197.732
27 (2)(a) or (b).
- 28 (h) Climbing and passing lanes within the right of way existing as of July 1, 1987.
- 29 (i) Reconstruction or modification of public roads and highways, including the placement of
30 utility facilities overhead and in the subsurface of public roads and highways along the public right
31 of way, but not including the addition of travel lanes, where no removal or displacement of buildings
32 would occur, or no new land parcels result.
- 33 (j) Temporary public road and highway detours that will be abandoned and restored to original
34 condition or use at such time as no longer needed.
- 35 (k) Minor betterment of existing public road and highway related facilities such as maintenance
36 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous
37 public-owned property utilized to support the operation and maintenance of public roads and high-
38 ways.
- 39 (L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has
40 been listed in a county inventory as historic property as defined in ORS 358.480.
- 41 (m) Creation, restoration or enhancement of wetlands.
- 42 (n) A winery, as described in ORS 215.452 or 215.453.
- 43 (o) Farm stands if:
- 44 (A) The structures are designed and used for the sale of farm crops or livestock grown on the
45 farm operation, or grown on the farm operation and other farm operations in the local agricultural

1 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm
2 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-
3 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
4 and

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

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

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

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

12 (C) Has interior wiring for interior lights;

13 (D) Has a heating system; and

14 (E) In the case of replacement:

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

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

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

1 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
2 ground.

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

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

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

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

17 (A) A public right of way;

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

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

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

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

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

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

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

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

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

40 (b) Operations conducted for:

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

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

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

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

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

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

14 (e) Community centers owned by a governmental agency or a nonprofit community organization
15 and operated primarily by and for residents of the local rural community. A community center au-
16 thorized under this paragraph may provide services to veterans, including but not limited to emer-
17 gency and transitional shelter, preparation and service of meals, vocational and educational
18 counseling and referral to local, state or federal agencies providing medical, mental health, disability
19 income replacement and substance abuse services, only in a facility that is in existence on January
20 1, 2006. The services may not include direct delivery of medical, mental health, disability income
21 replacement or substance abuse services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (i) Planned hours of operation;

37 (ii) Access, egress and parking;

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

40 (iv) Sanitation and solid waste.

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

1 To approve an expedited, single-event license, the governing body of a county or its designee must
2 determine that the proposed agri-tourism or other commercial event or activity meets any local
3 standards that apply, and the agri-tourism or other commercial event or activity:

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

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

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

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

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

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

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

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

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

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

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

22 (D) Must comply with ORS 215.296;

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

25 (F) Must comply with conditions established for:

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

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

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

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

35 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

26 **SECTION 14. (1) Each county shall establish minimum lot or parcel sizes under section**
 27 **2 of this 2013 Act by ordinance that takes effect July 1, 2014.**

28 **(2) The amendments to ORS 92.176, 92.178, 197.065, 197.650, 197.651, 215.213, 215.262, 215.263**
 29 **and 215.283 by sections 4, 5, 6, 7, 8, 10, 11, 12 and 13 of this 2013 Act and the repeal of ORS**
 30 **215.780 by section 3 of this 2013 Act become operative July 1, 2014.**

31