

**PROPOSED AMENDMENTS TO
HOUSE BILL 2746**

1 On page 1 of the printed bill, delete lines 7 through 18 and insert:

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

5 “(2) The dwelling may be altered, restored or replaced if, when an appli-
6 cation for a permit is submitted, the permitting authority:

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

9 “(A) Intact exterior walls and roof structure;

10 “(B) Indoor plumbing consisting of a kitchen sink, toilet and bathing fa-
11 cilities connected to a sanitary waste disposal system;

12 “(C) Interior wiring for interior lights; and

13 “(D) A heating system; and

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

16 “(3) The dwelling may be altered, restored or replaced if, when an appli-
17 cation for a permit is submitted, the dwelling meets the requirements of
18 subsection (1)(a) of this section and the applicant establishes to the satis-
19 faction of the permitting authority that the dwelling was improperly removed
20 from the tax roll by a person other than the current owner.”.

21 In line 19, delete “(2)” and insert “(4)”.

22 Delete line 30 and insert:

1 “(A) Must be sited on the same lot or parcel:

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

5 “(ii) If possible, for the purpose of minimizing the adverse impacts on re-
6 source use of land in the area, within a concentration or cluster of structures
7 or within 500 yards of another structure.”.

8 On page 2, line 12, delete “(3)” and insert “(5)”.

9 In line 13, delete “(2)” and insert “(4)”.

10 In line 14, delete “(2)” and insert “(4)”.

11 In line 16, delete “(4)” and insert “(6)”.

12 In line 18, delete “(2)(a)” and insert “(4)(a)”.

13 After line 21, insert:

14 “(7) As used in this section, ‘improperly removed’ means, with respect to
15 a dwelling removed from the tax roll, that:

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

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

20 On page 19, after line 29, insert:

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

23 “215.213. (1) In counties that have adopted marginal lands provisions un-
24 der ORS 197.247 (1991 Edition), the following uses may be established in any
25 area zoned for exclusive farm use:

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

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

28 “(c) Utility facilities necessary for public service, including wetland waste
29 treatment systems but not including commercial facilities for the purpose of
30 generating electrical power for public use by sale or transmission towers

1 over 200 feet in height. A utility facility necessary for public service may
2 be established as provided in ORS 215.275.

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

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

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

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

29 “(h) Operations for the exploration for minerals as defined by ORS
30 517.750. Any activities or construction relating to such operations shall not

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

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

13 “(j) Climbing and passing lanes within the right of way existing as of July
14 1, 1987.

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

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

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

27 “(n) A replacement dwelling to be used in conjunction with farm use if
28 the existing dwelling has been listed in a county inventory as historic prop-
29 erty as defined in ORS 358.480.

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

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

2 “(q) [*Subject to section 2 of this 2013 Act,*] Alteration, restoration or re-
3 placement of a lawfully established dwelling[.] **that:**

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

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

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

8 **“(D) Has a heating system; and**

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

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

30 **“(ii) For which the applicant has requested a deferred replacement**

1 **permit, is removed or demolished within three months after the de-**
2 **ferred replacement permit is issued. A deferred replacement permit**
3 **allows construction of the replacement dwelling at any time. If, how-**
4 **ever, the established dwelling is not removed or demolished within**
5 **three months after the deferred replacement permit is issued, the**
6 **permit becomes void. The replacement dwelling must comply with ap-**
7 **plicable building codes, plumbing codes, sanitation codes and other**
8 **requirements relating to health and safety or to siting at the time of**
9 **construction. A deferred replacement permit may not be transferred,**
10 **by sale or otherwise, except by the applicant to the spouse or a child**
11 **of the applicant.**

12 “(r) Farm stands if:

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

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

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

27 “(t) A site for the takeoff and landing of model aircraft, including such
28 buildings or facilities as may reasonably be necessary. Buildings or facilities
29 shall not be more than 500 square feet in floor area or placed on a permanent
30 foundation unless the building or facility preexisted the use approved under

1 this paragraph. The site shall not include an aggregate surface or hard sur-
2 face area unless the surface preexisted the use approved under this para-
3 graph. An owner of property used for the purpose authorized in this
4 paragraph may charge a person operating the use on the property rent for
5 the property. An operator may charge users of the property a fee that does
6 not exceed the operator's cost to maintain the property, buildings and facil-
7 ities. As used in this paragraph, 'model aircraft' means a small-scale version
8 of an airplane, glider, helicopter, dirigible or balloon that is used or intended
9 to be used for flight and is controlled by radio, lines or design by a person
10 on the ground.

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

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

22 "(w) Irrigation reservoirs, canals, delivery lines and those structures and
23 accessory operational facilities, not including parks or other recreational
24 structures and facilities, associated with a district as defined in ORS 540.505.

25 "(x) Utility facility service lines. Utility facility service lines are utility
26 lines and accessory facilities or structures that end at the point where the
27 utility service is received by the customer and that are located on one or
28 more of the following:

29 "(A) A public right of way;

30 "(B) Land immediately adjacent to a public right of way, provided the

1 written consent of all adjacent property owners has been obtained; or

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

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

11 “(z) Dog training classes or testing trials, which may be conducted out-
12 doors or in preexisting farm buildings, when:

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

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

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

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

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

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

29 “(b) A primary dwelling in conjunction with farm use or the propagation
30 or harvesting of a forest product on a lot or parcel that is managed as part

1 of a farm operation or woodlot smaller than required under paragraph (a)
2 of this subsection, if the lot or parcel:

3 “(A) Has produced at least \$20,000 in annual gross farm income in two
4 consecutive calendar years out of the three calendar years before the year
5 in which the application for the dwelling was made or is planted in peren-
6 nials capable of producing upon harvest an average of at least \$20,000 in
7 annual gross farm income; or

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

10 “(c) Commercial activities that are in conjunction with farm use, includ-
11 ing the processing of farm crops into biofuel not permitted under ORS
12 215.203 (2)(b)(K) or subsection (1)(u) of this section.

13 “(d) Operations conducted for:

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

17 “(B) Mining, crushing or stockpiling of aggregate and other mineral and
18 other subsurface resources subject to ORS 215.298;

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

21 “(D) Processing of other mineral resources and other subsurface re-
22 sources.

23 “(e) Community centers owned by a governmental agency or a nonprofit
24 community organization and operated primarily by and for residents of the
25 local rural community, hunting and fishing preserves, public and private
26 parks, playgrounds and campgrounds. Subject to the approval of the county
27 governing body or its designee, a private campground may provide yurts for
28 overnight camping. No more than one-third or a maximum of 10 campsites,
29 whichever is smaller, may include a yurt. The yurt shall be located on the
30 ground or on a wood floor with no permanent foundation. Upon request of

1 a county governing body, the Land Conservation and Development Commis-
2 sion may provide by rule for an increase in the number of yurts allowed on
3 all or a portion of the campgrounds in a county if the commission determines
4 that the increase will comply with the standards described in ORS 215.296
5 (1). A public park or campground may be established as provided under ORS
6 195.120. As used in this paragraph, ‘yurt’ means a round, domed shelter of
7 cloth or canvas on a collapsible frame with no plumbing, sewage disposal
8 hookup or internal cooking appliance.

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

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

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

25 “(i) A facility for the primary processing of forest products, provided that
26 such facility is found to not seriously interfere with accepted farming prac-
27 tices and is compatible with farm uses described in ORS 215.203 (2). Such a
28 facility may be approved for a one-year period which is renewable. These
29 facilities are intended to be only portable or temporary in nature. The pri-
30 mary processing of a forest product, as used in this section, means the use

1 of a portable chipper or stud mill or other similar methods of initial treat-
2 ment of a forest product in order to enable its shipment to market. Forest
3 products, as used in this section, means timber grown upon a parcel of land
4 or contiguous land where the primary processing facility is located.

5 “(j) A site for the disposal of solid waste approved by the governing body
6 of a city or county or both and for which a permit has been granted under
7 ORS 459.245 by the Department of Environmental Quality together with
8 equipment, facilities or buildings necessary for its operation.

9 “(k)(A) Commercial dog boarding kennels; or

10 “(B) Dog training classes or testing trials that cannot be established un-
11 der subsection (1)(z) of this section.

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

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

22 “(n) Home occupations as provided in ORS 215.448.

23 “(o) Transmission towers over 200 feet in height.

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

27 “(q) Reconstruction or modification of public roads and highways involv-
28 ing the removal or displacement of buildings but not resulting in the cre-
29 ation of new land parcels.

30 “(r) Improvement of public road and highway related facilities such as

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

4 “(s) A destination resort that is approved consistent with the require-
5 ments of any statewide planning goal relating to the siting of a destination
6 resort.

7 “(t) Room and board arrangements for a maximum of five unrelated per-
8 sons in existing residences.

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

18 “(A) ‘Living history museum’ means a facility designed to depict and in-
19 terpret everyday life and culture of some specific historic period using au-
20 thentic buildings, tools, equipment and people to simulate past activities and
21 events; and

22 “(B) ‘Local historical society’ means the local historical society, recog-
23 nized as such by the county governing body and organized under ORS chap-
24 ter 65.

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

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

30 “(x) A landscape contracting business, as defined in ORS 671.520, or a

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

4 “(y) Public or private schools for kindergarten through grade 12, includ-
5 ing all buildings essential to the operation of a school, primarily for resi-
6 dents of the rural area in which the school is located.

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

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

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

24 “(c) Complies with such other conditions as the governing body or its
25 designee considers necessary.

26 “(4) In counties that have adopted marginal lands provisions under ORS
27 197.247 (1991 Edition), one single-family dwelling, not provided in conjunc-
28 tion with farm use, may be established in any area zoned for exclusive farm
29 use on a lot or parcel described in subsection (7) of this section that is not
30 larger than three acres upon written findings showing:

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

4 “(b) If the lot or parcel is located within the Willamette River Greenway,
5 a floodplain or a geological hazard area, the dwelling complies with condi-
6 tions imposed by local ordinances relating specifically to the Willamette
7 River Greenway, floodplains or geological hazard areas, whichever is appli-
8 cable; and

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

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

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

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

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

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

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

2 “(A) A lot or parcel described in this section is contiguous to one or more
3 lots or parcels described in this section; and

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

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

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

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

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

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

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

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

28 “(a) A county may authorize a single agri-tourism or other commercial
29 event or activity on a tract in a calendar year by an authorization that is
30 personal to the applicant and is not transferred by, or transferable with, a

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

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

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

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

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

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

14 “(F) The agri-tourism or other commercial event or activity occurs out-
15 doors, in temporary structures, or in existing permitted structures, subject
16 to health and fire and life safety requirements; and

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

19 “(i) Planned hours of operation;

20 “(ii) Access, egress and parking;

21 “(iii) A traffic management plan that identifies the projected number of
22 vehicles and any anticipated use of public roads; and

23 “(iv) Sanitation and solid waste.

24 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a
25 county may authorize, through an expedited, single-event license, a single
26 agri-tourism or other commercial event or activity on a tract in a calendar
27 year by an expedited, single-event license that is personal to the applicant
28 and is not transferred by, or transferable with, a conveyance of the tract. A
29 decision concerning an expedited, single-event license is not a land use de-
30 cision, as defined in ORS 197.015. To approve an expedited, single-event li-

1 cense, the governing body of a county or its designee must determine that
2 the proposed agri-tourism or other commercial event or activity meets any
3 local standards that apply, and the agri-tourism or other commercial event
4 or activity:

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

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

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

8 “(D) May not include the artificial amplification of music or voices before
9 8 a.m. or after 8 p.m.;

10 “(E) May not require or involve the construction or use of a new perma-
11 nent structure in connection with the agri-tourism or other commercial event
12 or activity;

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

15 “(G) Must comply with applicable health and fire and life safety require-
16 ments.

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

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

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

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

29 “(D) Must comply with ORS 215.296;

30 “(E) May not, in combination with other agri-tourism or other commercial

1 events or activities authorized in the area, materially alter the stability of
2 the land use pattern in the area; and

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

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

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

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

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

15 “(v) Sanitation and solid waste.

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

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

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

27 “(C) Occur on a lot or parcel that complies with the acknowledged mini-
28 mum lot or parcel size; and

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

30 “(12) A holder of a permit authorized by a county under subsection (11)(d)

1 of this section must request review of the permit at four-year intervals. Upon
2 receipt of a request for review, the county shall:

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

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

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

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

17 “(b) The county may issue the limited use permits authorized by sub-
18 section (11)(c) of this section for two calendar years. When considering an
19 application for renewal, the county shall ensure compliance with the pro-
20 visions of subsection (11)(c) of this section, any local standards that apply
21 and conditions that apply to the permit or to the agri-tourism or other
22 commercial events or activities authorized by the permit.

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

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

30 “215.283. (1) The following uses may be established in any area zoned for

1 exclusive farm use:

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

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

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

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

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

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

30 “(g) Operations for the exploration for minerals as defined by ORS

1 517.750. Any activities or construction relating to such operations shall not
2 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

22 “(o) Farm stands if:

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

30 “(B) The farm stand does not include structures designed for occupancy

1 as a residence or for activity other than the sale of farm crops or livestock
2 and does not include structures for banquets, public gatherings or public
3 entertainment.

4 “(p) [*Subject to section 2 of this 2013 Act,*] Alteration, restoration or re-
5 placement of a lawfully established dwelling[.] **that:**

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

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

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

10 **“(D) Has a heating system; and**

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

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

1 **under this paragraph; and**

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

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

28 **“(r) A facility for the processing of farm crops, or the production of**
29 **biofuel as defined in ORS 315.141, that is located on a farm operation that**
30 **provides at least one-quarter of the farm crops processed at the facility. The**

1 building established for the processing facility shall not exceed 10,000 square
2 feet of floor area exclusive of the floor area designated for preparation,
3 storage or other farm use or devote more than 10,000 square feet to the
4 processing activities within another building supporting farm uses. A pro-
5 cessing facility shall comply with all applicable siting standards but the
6 standards shall not be applied in a manner that prohibits the siting of the
7 processing facility.

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

9 “(t) Irrigation reservoirs, canals, delivery lines and those structures and
10 accessory operational facilities, not including parks or other recreational
11 structures and facilities, associated with a district as defined in ORS 540.505.

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

16 “(A) A public right of way;

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

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

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

28 “(w) A county law enforcement facility that lawfully existed on August
29 20, 2002, and is used to provide rural law enforcement services primarily in
30 rural areas, including parole and post-prison supervision, but not including

1 a correctional facility as defined under ORS 162.135.

2 “(x) Dog training classes or testing trials, which may be conducted out-
3 doors or in preexisting farm buildings, when:

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

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

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

13 “(a) Commercial activities that are in conjunction with farm use, includ-
14 ing the processing of farm crops into biofuel not permitted under ORS
15 215.203 (2)(b)(K) or subsection (1)(r) of this section.

16 “(b) Operations conducted for:

17 “(A) Mining and processing of geothermal resources as defined by ORS
18 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted
19 under subsection (1)(f) of this section;

20 “(B) Mining, crushing or stockpiling of aggregate and other mineral and
21 other subsurface resources subject to ORS 215.298;

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

24 “(D) Processing of other mineral resources and other subsurface re-
25 sources.

26 “(c) Private parks, playgrounds, hunting and fishing preserves and
27 campgrounds. Subject to the approval of the county governing body or its
28 designee, a private campground may provide yurts for overnight camping.
29 No more than one-third or a maximum of 10 campsites, whichever is smaller,
30 may include a yurt. The yurt shall be located on the ground or on a wood

1 floor with no permanent foundation. Upon request of a county governing
2 body, the Land Conservation and Development Commission may provide by
3 rule for an increase in the number of yurts allowed on all or a portion of
4 the campgrounds in a county if the commission determines that the increase
5 will comply with the standards described in ORS 215.296 (1). As used in this
6 paragraph, 'yurt' means a round, domed shelter of cloth or canvas on a
7 collapsible frame with no plumbing, sewage disposal hookup or internal
8 cooking appliance.

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

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

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

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

25 “(h) Personal-use airports for airplanes and helicopter pads, including
26 associated hangar, maintenance and service facilities. A personal-use airport,
27 as used in this section, means an airstrip restricted, except for aircraft
28 emergencies, to use by the owner, and, on an infrequent and occasional basis,
29 by invited guests, and by commercial aviation activities in connection with
30 agricultural operations. No aircraft may be based on a personal-use airport

1 other than those owned or controlled by the owner of the airstrip. Exceptions
2 to the activities permitted under this definition may be granted through
3 waiver action by the Oregon Department of Aviation in specific instances.
4 A personal-use airport lawfully existing as of September 13, 1975, shall con-
5 tinue to be permitted subject to any applicable rules of the Oregon Depart-
6 ment of Aviation.

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

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

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

22 “(L) One manufactured dwelling or recreational vehicle, or the temporary
23 residential use of an existing building, in conjunction with an existing
24 dwelling as a temporary use for the term of a hardship suffered by the ex-
25 isting resident or a relative of the resident. Within three months of the end
26 of the hardship, the manufactured dwelling or recreational vehicle shall be
27 removed or demolished or, in the case of an existing building, the building
28 shall be removed, demolished or returned to an allowed nonresidential use.
29 The governing body or its designee shall provide for periodic review of the
30 hardship claimed under this paragraph. A temporary residence approved un-

1 der this paragraph is not eligible for replacement under subsection (1)(p) of
2 this section.

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

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

5 “(B) Dog training classes or testing trials that cannot be established un-
6 der subsection (1)(x) of this section.

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

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

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

20 “(r) Reconstruction or modification of public roads and highways involv-
21 ing the removal or displacement of buildings but not resulting in the cre-
22 ation of new land parcels.

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

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

30 “(u) Room and board arrangements for a maximum of five unrelated per-

1 sons in existing residences.

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

3 “(w) Expansion of existing county fairgrounds and activities directly re-
4 lating to county fairgrounds governed by county fair boards established
5 pursuant to ORS 565.210.

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

15 “(A) ‘Living history museum’ means a facility designed to depict and in-
16 terpret everyday life and culture of some specific historic period using au-
17 thentic buildings, tools, equipment and people to simulate past activities and
18 events; and

19 “(B) ‘Local historical society’ means the local historical society recog-
20 nized by the county governing body and organized under ORS chapter 65.

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

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

29 “(aa) Public or private schools for kindergarten through grade 12, in-
30 cluding all buildings essential to the operation of a school, primarily for

1 residents of the rural area in which the school is located.

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

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

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

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

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

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

22 “(B) The duration of the agri-tourism or other commercial event or ac-
23 tivity does not exceed 72 consecutive hours;

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

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

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

1 “(F) The agri-tourism or other commercial event or activity occurs out-
2 doors, in temporary structures, or in existing permitted structures, subject
3 to health and fire and life safety requirements; and

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

6 “(i) Planned hours of operation;

7 “(ii) Access, egress and parking;

8 “(iii) A traffic management plan that identifies the projected number of
9 vehicles and any anticipated use of public roads; and

10 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

30 “(F) Must be located on a tract of at least 10 acres unless the owners or

1 residents of adjoining properties consent, in writing, to the location; and

2 “(G) Must comply with applicable health and fire and life safety require-
3 ments.

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

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

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

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

16 “(D) Must comply with ORS 215.296;

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

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

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

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

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

30 “(iv) Traffic management, including the projected number of vehicles and

1 any anticipated use of public roads; and

2 “(v) Sanitation and solid waste.

3 “(d) In addition to paragraphs (a) to (c) of this subsection, a county may
4 authorize agri-tourism or other commercial events or activities that occur
5 more frequently or for a longer period or that do not otherwise comply with
6 paragraphs (a) to (c) of this subsection if the agri-tourism or other commer-
7 cial events or activities comply with any local standards that apply and the
8 agri-tourism or other commercial events or activities:

9 “(A) Are incidental and subordinate to existing commercial farm use of
10 the tract and are necessary to support the commercial farm uses or the
11 commercial agricultural enterprises in the area;

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

14 “(C) Occur on a lot or parcel that complies with the acknowledged mini-
15 mum lot or parcel size; and

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

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

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

22 “(b) Limit its review to events and activities authorized by the permit,
23 conformance with conditions of approval required by the permit and the
24 standards established by subsection (4)(d) of this section.

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

26 “(a) A county may authorize the use of temporary structures established
27 in connection with the agri-tourism or other commercial events or activities
28 authorized under subsection (4) of this section. However, the temporary
29 structures must be removed at the end of the agri-tourism or other event or
30 activity. The county may not approve an alteration to the land in connection

1 with an agri-tourism or other commercial event or activity authorized under
2 subsection (4) of this section, including, but not limited to, grading, filling
3 or paving.

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

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

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

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

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

23 “(3) For the purposes of this section, ‘residential development’ only in-
24 cludes the dwellings provided for under ORS 215.213 (1)(q), (3) and (4),
25 **215.283 (1)(p)**, 215.284, 215.317, 215.705 (1) to (3), 215.720, 215.740, 215.750 and
26 215.755 (1) and (3).

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

29 **“SECTION 11. Sections 2 and 3 of this 2013 Act are repealed January**
30 **2, 2024.”**

