

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2746**

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

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

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

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

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

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

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

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

14 **“(D) A heating system; and**

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

18 **“(3) The dwelling may be altered, restored or replaced if, when an**  
19 **application for a permit is submitted, the dwelling meets the require-**  
20 **ments of subsection (2)(a) of this section, the dwelling does not meet**  
21 **the requirement of subsection (2)(b) of this section, and the applicant**  
22 **establishes to the satisfaction of the permitting authority that the**

1 dwelling was improperly removed from the tax roll by a person other  
2 than the current owner.

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

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

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

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

14 “(b) The replacement dwelling:

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

16 “(B) Must comply with applicable building codes, plumbing codes,  
17 sanitation codes and other requirements relating to health and safety  
18 or to siting at the time of construction. However, the standards may  
19 not be applied in a manner that prohibits the siting of the replacement  
20 dwelling.

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

1 **other dwelling.**

2 **“(5)(a) Notwithstanding subsection (4)(b)(A) of this section, para-**  
3 **graph (b) of this subsection applies when a replacement dwelling under**  
4 **ORS 215.213 (1)(q) or 215.283 (1)(p) qualifies for replacement:**

5 **“(A) Under subsection (2) of this section because the dwelling for-**  
6 **merly had the features described in subsection (2) of this section;**

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

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

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

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

14 **“(B) If possible, for the purpose of minimizing the adverse impacts**  
15 **on resource use of land in the area, within a concentration or cluster**  
16 **of structures or within 500 yards of another structure.**

17 **“(6) The county planning director, or the director’s designee, shall**  
18 **maintain a record of the lots and parcels that do not qualify for the**  
19 **siting of a new dwelling under subsection (4) of this section, including**  
20 **a copy of the deed restrictions filed under subsection (4) of this sec-**  
21 **tion.**

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

23 **“(a) Becomes void if the replaced dwelling is not removed, demol-**  
24 **ished or converted to an allowable nonresidential use within the time**  
25 **period specified under subsection (4)(a) of this section.**

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

28 **“(8) As used in this section, ‘improperly removed’ means, with re-**  
29 **spect to a dwelling removed from the tax roll, that:**

30 **“(a) The dwelling has taxable value in its present state, or had**

1 taxable value when the dwelling was first removed from the tax roll;  
2 and

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

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

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

13 **“(2) Causes to be recorded in the deed records of the county a  
14 statement that the dwelling to be replaced has been removed, demol-  
15 ished or converted.”.**

16 On page 19, after line 29, insert:

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

19 **“215.213. (1) In counties that have adopted marginal lands provisions un-  
20 der ORS 197.247 (1991 Edition), the following uses may be established in any  
21 area zoned for exclusive farm use:**

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

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

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

29 **“(d) A dwelling on real property used for farm use if the dwelling is oc-  
30 cupied by a relative of the farm operator or the farm operator’s spouse,**

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

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

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

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

25 “(h) Operations for the exploration for minerals as defined by ORS  
26 517.750. Any activities or construction relating to such operations shall not  
27 be a basis for an exception under ORS 197.732 (2)(a) or (b).

28 “(i) One manufactured dwelling or recreational vehicle, or the temporary  
29 residential use of an existing building, in conjunction with an existing  
30 dwelling as a temporary use for the term of a hardship suffered by the ex-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26       **“(ii) For which the applicant has requested a deferred replacement**  
27 **permit, is removed or demolished within three months after the de-**  
28 **ferred replacement permit is issued. A deferred replacement permit**  
29 **allows construction of the replacement dwelling at any time. If, how-**  
30 **ever, the established dwelling is not removed or demolished within**

1 **three months after the deferred replacement permit is issued, the**  
2 **permit becomes void. The replacement dwelling must comply with ap-**  
3 **licable building codes, plumbing codes, sanitation codes and other**  
4 **requirements relating to health and safety or to siting at the time of**  
5 **construction. A deferred replacement permit may not be transferred,**  
6 **by sale or otherwise, except by the applicant to the spouse or a child**  
7 **of the applicant.**

8 “(r) Farm stands if:

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

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

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

23 “(t) A site for the takeoff and landing of model aircraft, including such  
24 buildings or facilities as may reasonably be necessary. Buildings or facilities  
25 shall not be more than 500 square feet in floor area or placed on a permanent  
26 foundation unless the building or facility preexisted the use approved under  
27 this paragraph. The site shall not include an aggregate surface or hard sur-  
28 face area unless the surface preexisted the use approved under this para-  
29 graph. An owner of property used for the purpose authorized in this  
30 paragraph may charge a person operating the use on the property rent for



1 the property. An operator may charge users of the property a fee that does  
2 not exceed the operator's cost to maintain the property, buildings and facil-  
3 ities. As used in this paragraph, 'model aircraft' means a small-scale version  
4 of an airplane, glider, helicopter, dirigible or balloon that is used or intended  
5 to be used for flight and is controlled by radio, lines or design by a person  
6 on the ground.

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

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

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

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

25 "(A) A public right of way;

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

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

29 "(y) Subject to the issuance of a license, permit or other approval by the  
30 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,

1 468B.053 or 468B.055, or in compliance with rules adopted under ORS  
2 468B.095, and as provided in ORS 215.246 to 215.251, the land application of  
3 reclaimed water, agricultural or industrial process water or biosolids for  
4 agricultural, horticultural or silvicultural production, or for irrigation in  
5 connection with a use allowed in an exclusive farm use zone under this  
6 chapter.

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

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

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

15 “(2) In counties that have adopted marginal lands provisions under ORS  
16 197.247 (1991 Edition), the following uses may be established in any area  
17 zoned for exclusive farm use subject to ORS 215.296:

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

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

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

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

29 “(A) Has produced at least \$20,000 in annual gross farm income in two  
30 consecutive calendar years out of the three calendar years before the year

1 in which the application for the dwelling was made or is planted in peren-  
2 nials capable of producing upon harvest an average of at least \$20,000 in  
3 annual gross farm income; or

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

6 “(c) Commercial activities that are in conjunction with farm use, includ-  
7 ing the processing of farm crops into biofuel not permitted under ORS  
8 215.203 (2)(b)(K) or subsection (1)(u) of this section.

9 “(d) Operations conducted for:

10 “(A) Mining and processing of geothermal resources as defined by ORS  
11 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted  
12 under subsection (1)(g) of this section;

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

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

17 “(D) Processing of other mineral resources and other subsurface re-  
18 sources.

19 “(e) Community centers owned by a governmental agency or a nonprofit  
20 community organization and operated primarily by and for residents of the  
21 local rural community, hunting and fishing preserves, public and private  
22 parks, playgrounds and campgrounds. Subject to the approval of the county  
23 governing body or its designee, a private campground may provide yurts for  
24 overnight camping. No more than one-third or a maximum of 10 campsites,  
25 whichever is smaller, may include a yurt. The yurt shall be located on the  
26 ground or on a wood floor with no permanent foundation. Upon request of  
27 a county governing body, the Land Conservation and Development Commis-  
28 sion may provide by rule for an increase in the number of yurts allowed on  
29 all or a portion of the campgrounds in a county if the commission determines  
30 that the increase will comply with the standards described in ORS 215.296

1 (1). A public park or campground may be established as provided under ORS  
2 195.120. As used in this paragraph, ‘yurt’ means a round, domed shelter of  
3 cloth or canvas on a collapsible frame with no plumbing, sewage disposal  
4 hookup or internal cooking appliance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 “(s) A destination resort that is approved consistent with the require-

1 ments of any statewide planning goal relating to the siting of a destination  
2 resort.

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

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

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

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

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

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

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

30 “(y) Public or private schools for kindergarten through grade 12, includ-

1 ing all buildings essential to the operation of a school, primarily for resi-  
2 dents of the rural area in which the school is located.

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

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

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

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

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

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

30 “(b) If the lot or parcel is located within the Willamette River Greenway,

1 a floodplain or a geological hazard area, the dwelling complies with condi-  
2 tions imposed by local ordinances relating specifically to the Willamette  
3 River Greenway, floodplains or geological hazard areas, whichever is appli-  
4 cable; and

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

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

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

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

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

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

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

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

30 “(B) On July 1, 1983, greater than possessory interests are held in those



1 contiguous lots, parcels or lots and parcels by the same person, spouses or  
2 a single partnership or business entity, separately or in tenancy in common.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(i) Planned hours of operation;

16 “(ii) Access, egress and parking;

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

19 “(iv) Sanitation and solid waste.

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

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

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

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

4       “(D) May not include the artificial amplification of music or voices before  
5 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

25       “(D) Must comply with ORS 215.296;

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

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

30       “(i) The types of agri-tourism or other commercial events or activities

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

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

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

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

11 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 “215.283. (1) The following uses may be established in any area zoned for  
27 exclusive farm use:

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

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

30 “(c) Utility facilities necessary for public service, including wetland waste

1 treatment systems but not including commercial facilities for the purpose of  
2 generating electrical power for public use by sale or transmission towers  
3 over 200 feet in height. A utility facility necessary for public service may  
4 be established as provided in ORS 215.275.

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

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

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

26 “(g) Operations for the exploration for minerals as defined by ORS  
27 517.750. 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) Climbing and passing lanes within the right of way existing as of  
30 July 1, 1987.

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

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

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

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

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

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

18 “(o) Farm stands if:

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

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

30 “(p) [*Subject to section 2 of this 2013 Act,*] Alteration, restoration or re-

1 placement of a lawfully established dwelling[.] **that:**

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

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

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

6 **“(D) Has a heating system; and**

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

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

28 **“(ii) For which the applicant has requested a deferred replacement**  
29 **permit, is removed or demolished within three months after the de-**  
30 **ferred replacement permit is issued. A deferred replacement permit**



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

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

24 “(r) A facility for the processing of farm crops, or the production of  
25 biofuel as defined in ORS 315.141, that is located on a farm operation that  
26 provides at least one-quarter of the farm crops processed at the facility. The  
27 building established for the processing facility shall not exceed 10,000 square  
28 feet of floor area exclusive of the floor area designated for preparation,  
29 storage or other farm use or devote more than 10,000 square feet to the  
30 processing activities within another building supporting farm uses. A pro-

1 cessing facility shall comply with all applicable siting standards but the  
2 standards shall not be applied in a manner that prohibits the siting of the  
3 processing facility.

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

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

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

12 “(A) A public right of way;

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

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

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

24 “(w) A county law enforcement facility that lawfully existed on August  
25 20, 2002, and is used to provide rural law enforcement services primarily in  
26 rural areas, including parole and post-prison supervision, but not including  
27 a correctional facility as defined under ORS 162.135.

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

30 “(A) The number of dogs participating in training does not exceed 10 dogs

1 per training class and the number of training classes to be held on-site does  
2 not exceed six per day; and

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

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

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

12 “(b) Operations conducted for:

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

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

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

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

22 “(c) Private parks, playgrounds, hunting and fishing preserves and  
23 campgrounds. Subject to the approval of the county governing body or its  
24 designee, a private campground may provide yurts for overnight camping.  
25 No more than one-third or a maximum of 10 campsites, whichever is smaller,  
26 may include a yurt. The yurt shall be located on the ground or on a wood  
27 floor with no permanent foundation. Upon request of a county governing  
28 body, the Land Conservation and Development Commission may provide by  
29 rule for an increase in the number of yurts allowed on all or a portion of  
30 the campgrounds in a county if the commission determines that the increase

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

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

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

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

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

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

1 tinue to be permitted subject to any applicable rules of the Oregon Depart-  
2 ment of Aviation.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 “(u) Room and board arrangements for a maximum of five unrelated per-  
27 sons in existing residences.

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

29 “(w) Expansion of existing county fairgrounds and activities directly re-  
30 lating to county fairgrounds governed by county fair boards established

1 pursuant to ORS 565.210.

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

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

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

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

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

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

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

1 for exclusive farm use subject to:

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

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

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

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

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

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

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

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

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

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

30 “(G) The agri-tourism or other commercial event or activity complies with



1 conditions established for:

2 “(i) Planned hours of operation;

3 “(ii) Access, egress and parking;

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

6 “(iv) Sanitation and solid waste.

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

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

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

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

21 “(D) May not include the artificial amplification of music or voices before  
22 8 a.m. or after 8 p.m.;

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

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

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

30 “(c) In the alternative to paragraphs (a) and (b) of this subsection, a

1 county may authorize up to six agri-tourism or other commercial events or  
2 activities on a tract in a calendar year by a limited use permit that is per-  
3 sonal to the applicant and is not transferred by, or transferable with, a  
4 conveyance of the tract. The agri-tourism or other commercial events or  
5 activities must meet any local standards that apply, and the agri-tourism or  
6 other commercial events or activities:

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

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

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

12 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

28 “(v) Sanitation and solid waste.

29 “(d) In addition to paragraphs (a) to (c) of this subsection, a county may  
30 authorize agri-tourism or other commercial events or activities that occur

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

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

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

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

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

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

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

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

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

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

30 “(b) The county may issue the limited use permits authorized by sub-

1 section (4)(c) of this section for two calendar years. When considering an  
2 application for renewal, the county shall ensure compliance with the pro-  
3 visions of subsection (4)(c) of this section, any local standards that apply and  
4 conditions that apply to the permit or to the agri-tourism or other commer-  
5 cial events or activities authorized by the permit.

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

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

13 “215.417. (1) If a permit is approved under ORS 215.416 for a proposed  
14 residential development on agricultural or forest land outside of an urban  
15 growth boundary under ORS 215.010 to 215.293 or 215.317 to 215.438 or under  
16 county legislation or regulation, the permit shall be valid for four years.

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

19 “(3) For the purposes of this section, ‘residential development’ only in-  
20 cludes the dwellings provided for under ORS 215.213 (1)(q), (3) and (4),  
21 **215.283 (1)(p)**, 215.284, 215.317, 215.705 (1) to (3), 215.720, 215.740, 215.750 and  
22 215.755 (1) and (3).

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

25 **“SECTION 11. Sections 2 and 3 of this 2013 Act are repealed January**  
26 **2, 2024.”**

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