

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3040**

1 On page 1 of the printed bill, in line 2, delete “215.203,”.

2 Delete lines 3 and 4 and insert “215.213, 215.246, 215.263, 215.283, 215.297  
3 and 215.304.”.

4 Delete lines 6 through 31 and delete pages 2 through 34 and insert:

5 **“SECTION 1. ORS 215.213, as amended by section 2, chapter 74, Oregon  
6 Laws 2012, is amended to read:**

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

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

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

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

17 “(d) A dwelling on real property used for farm use if the dwelling is oc-  
18 cupied by a relative of the farm operator or the farm operator’s spouse,  
19 which means a child, parent, stepparent, grandchild, grandparent,  
20 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,  
21 if the farm operator does or will require the assistance of the relative in the  
22 management of the farm use and the dwelling is located on the same lot or

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

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

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

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

21 “(h) Operations for the exploration for minerals as defined by ORS  
22 517.750. Any activities or construction relating to such operations shall not  
23 be a basis for an exception under ORS 197.732 (2)(a) or (b).

24 “(i) One manufactured dwelling or recreational vehicle, or the temporary  
25 residential use of an existing building, in conjunction with an existing  
26 dwelling as a temporary use for the term of a hardship suffered by the ex-  
27 isting resident or a relative of the resident. Within three months of the end  
28 of the hardship, the manufactured dwelling or recreational vehicle shall be  
29 removed or demolished or, in the case of an existing building, the building  
30 shall be removed, demolished or returned to an allowed nonresidential use.

1 The governing body or its designee shall provide for periodic review of the  
2 hardship claimed under this paragraph. A temporary residence approved un-  
3 der this paragraph is not eligible for replacement under paragraph (q) of this  
4 subsection.

5 “(j) Climbing and passing lanes within the right of way existing as of July  
6 1, 1987.

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

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

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

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

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

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

24 “(q) Alteration, restoration or replacement of a lawfully established  
25 dwelling that:

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

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

29 “(C) Has interior wiring for interior lights;

30 “(D) Has a heating system; and

1       “(E) In the case of replacement:

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

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

1 applicant.

2 “(r) Farm stands if:

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

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

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

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

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

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

12       “(w) Irrigation reservoirs, canals, delivery lines and those structures and  
13 accessory operational facilities, not including parks or other recreational  
14 structures and facilities, associated with a district as defined in ORS 540.505.

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

19       “(A) A public right of way;

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

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

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

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

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

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

9       “(2) In counties that have adopted marginal lands provisions under ORS  
10 197.247 (1991 Edition), the following uses may be established in any area  
11 zoned for exclusive farm use subject to ORS 215.296:

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

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

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

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

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

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

30       “(c) Commercial activities that are in conjunction with farm use, includ-

1 ing the processing of farm crops into biofuel not permitted under ORS  
2 215.203 (2)(b)(K) or subsection (1)(u) of this section.

3 “(d) Operations conducted for:

4 “(A) Mining and processing of geothermal resources as defined by ORS  
5 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted  
6 under subsection (1)(g) of this section;

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

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

11 “(D) Processing of other mineral resources and other subsurface re-  
12 sources.

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

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



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

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

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

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

29 “[*(k)*(A)] **(j)(A)** Commercial dog boarding kennels; or

30 “(B) Dog training classes or testing trials that cannot be established un-

1 der subsection (1)(z) of this section.

2 “[*L*] (**k**) Residential homes as defined in ORS 197.660, in existing  
3 dwellings.

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

13 “[*n*] (**m**) Home occupations as provided in ORS 215.448.

14 “[*o*] (**n**) Transmission towers over 200 feet in height.

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

18 “[*q*] (**p**) Reconstruction or modification of public roads and highways  
19 involving the removal or displacement of buildings but not resulting in the  
20 creation of new land parcels.

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

25 “[*s*] (**r**) A destination resort that is approved consistent with the re-  
26 quirements of any statewide planning goal relating to the siting of a desti-  
27 nation resort.

28 “[*t*] (**s**) Room and board arrangements for a maximum of five unrelated  
29 persons in existing residences.

30 “[*u*] (**t**) A living history museum related to resource based activities

1 owned and operated by a governmental agency or a local historical society,  
2 together with limited commercial activities and facilities that are directly  
3 related to the use and enjoyment of the museum and located within authentic  
4 buildings of the depicted historic period or the museum administration  
5 building, if areas other than an exclusive farm use zone cannot accommodate  
6 the museum and related activities or if the museum administration buildings  
7 and parking lot are located within one quarter mile of the metropolitan ur-  
8 ban growth boundary. As used in this paragraph:

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

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

16 “[*v*] (u) Operations for the extraction and bottling of water.

17 “[*w*] (v) An aerial fireworks display business that has been in contin-  
18 uous operation at its current location within an exclusive farm use zone  
19 since December 31, 1986, and possesses a wholesaler’s permit to sell or pro-  
20 vide fireworks.

21 “[*x*] (w) A landscape contracting business, as defined in ORS 671.520,  
22 or a 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 “[*y*] (x) Public or private schools for kindergarten through grade 12,  
26 including 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) In counties that have adopted marginal lands provisions under ORS  
29 197.247 (1991 Edition), a single-family residential dwelling not provided in  
30 conjunction with farm use may be established on a lot or parcel with soils

1 predominantly in capability classes IV through VIII as determined by the  
2 Agricultural Capability Classification System in use by the United States  
3 Department of Agriculture Soil Conservation Service on October 15, 1983. A  
4 proposed dwelling is subject to approval of the governing body or its  
5 designee in any area zoned for exclusive farm use upon written findings  
6 showing all of the following:

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

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

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

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

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

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

30 “(c) The dwelling complies with other conditions considered necessary by

1 the governing body or its designee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30       “(D) The maximum number of motor vehicles parked at the site of the

1 agri-tourism or other commercial event or activity does not exceed 250 ve-  
2 hicles;

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

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

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

10 “(i) Planned hours of operation;

11 “(ii) Access, egress and parking;

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

14 “(iv) Sanitation and solid waste.

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

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

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

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

29 “(D) May not include the artificial amplification of music or voices before  
30 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

20 “(D) Must comply with ORS 215.296;

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

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

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

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



1 commercial events or activities;

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

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

6 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

30 “(a) A county may authorize the use of temporary structures established

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

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

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

19 **“SECTION 2.** ORS 215.283, as amended by section 3, chapter 74, Oregon  
20 Laws 2012, is amended to read:

21 “215.283. (1) The following uses may be established in any area zoned for  
22 exclusive farm use:

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

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

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

30 “(d) A dwelling on real property used for farm use if the dwelling is oc-

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

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

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

21 “(g) Operations for the exploration for minerals as defined by ORS  
22 517.750. Any activities or construction relating to such operations shall not  
23 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

13       “(o) Farm stands if:

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

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

25       “(p) Alteration, restoration or replacement of a lawfully established  
26 dwelling that:

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

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

30       “(C) Has interior wiring for interior lights;

1       “(D) Has a heating system; and

2       “(E) In the case of replacement:

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

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

1 sale or otherwise, except by the applicant to the spouse or a child of the  
2 applicant.

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

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

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

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

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

5       “(A) A public right of way;

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

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

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

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

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

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

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

29       “(2) The following nonfarm uses may be established, subject to the ap-  
30 proval of the governing body or its designee in any area zoned for exclusive

1 farm use subject to ORS 215.296:

2 “(a) Commercial activities that are in conjunction with farm use, includ-  
3 ing the processing of farm crops into biofuel not permitted under ORS  
4 215.203 (2)(b)(K) or subsection (1)(r) of this section.

5 “(b) Operations conducted for:

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

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

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

13 “(D) Processing of other mineral resources and other subsurface re-  
14 sources.

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

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

30 “(e) Community centers owned by a governmental agency or a nonprofit



1 community organization and operated primarily by and for residents of the  
2 local rural community. A community center authorized under this paragraph  
3 may provide services to veterans, including but not limited to emergency and  
4 transitional shelter, preparation and service of meals, vocational and educa-  
5 tional counseling and referral to local, state or federal agencies providing  
6 medical, mental health, disability income replacement and substance abuse  
7 services, only in a facility that is in existence on January 1, 2006. The ser-  
8 vices may not include direct delivery of medical, mental health, disability  
9 income replacement or substance abuse services.

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

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

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

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

27 “(j) A facility for the primary processing of forest products, provided that  
28 such facility is found to not seriously interfere with accepted farming prac-  
29 tices and is compatible with farm uses described in ORS 215.203 (2). Such a  
30 facility may be approved for a one-year period which is renewable. These

1 facilities are intended to be only portable or temporary in nature. The pri-  
2 mary processing of a forest product, as used in this section, means the use  
3 of a portable chipper or stud mill or other similar methods of initial treat-  
4 ment of a forest product in order to enable its shipment to market. Forest  
5 products, as used in this section, means timber grown upon a parcel of land  
6 or contiguous land where the primary processing facility is located.

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

11 “[*(L)*] **(k)** One manufactured dwelling or recreational vehicle, or the  
12 temporary residential use of an existing building, in conjunction with an  
13 existing dwelling as a temporary use for the term of a hardship suffered by  
14 the existing resident or a relative of the resident. Within three months of the  
15 end of the hardship, the manufactured dwelling or recreational vehicle shall  
16 be removed or demolished or, in the case of an existing building, the building  
17 shall be removed, demolished or returned to an allowed nonresidential use.  
18 The governing body or its designee shall provide for periodic review of the  
19 hardship claimed under this paragraph. A temporary residence approved un-  
20 der this paragraph is not eligible for replacement under subsection (1)(p) of  
21 this section.

22 “[*(m)*] **(L)** Transmission towers over 200 feet in height.

23 “[*(n)(A)*] **(m)(A)** Commercial dog boarding kennels; or

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

26 “[*(o)*] **(n)** Residential homes as defined in ORS 197.660, in existing  
27 dwellings.

28 “[*(p)*] **(o)** The propagation, cultivation, maintenance and harvesting of  
29 aquatic species that are not under the jurisdiction of the State Fish and  
30 Wildlife Commission or insect species. Insect species shall not include any

1 species under quarantine by the State Department of Agriculture or the  
2 United States Department of Agriculture. The county shall provide notice  
3 of all applications under this paragraph to the State Department of Agri-  
4 culture. Notice shall be provided in accordance with the county's land use  
5 regulations but shall be mailed at least 20 calendar days prior to any ad-  
6 ministrative decision or initial public hearing on the application.

7 “[*q*] (**p**) Construction of additional passing and travel lanes requiring  
8 the acquisition of right of way but not resulting in the creation of new land  
9 parcels.

10 “[*r*] (**q**) Reconstruction or modification of public roads and highways  
11 involving the removal or displacement of buildings but not resulting in the  
12 creation of new land parcels.

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

17 “[*t*] (**s**) A destination resort that is approved consistent with the re-  
18 quirements of any statewide planning goal relating to the siting of a desti-  
19 nation resort.

20 “[*u*] (**t**) Room and board arrangements for a maximum of five unrelated  
21 persons in existing residences.

22 “[*v*] (**u**) Operations for the extraction and bottling of water.

23 “[*w*] (**v**) Expansion of existing county fairgrounds and activities directly  
24 relating to county fairgrounds governed by county fair boards established  
25 pursuant to ORS 565.210.

26 “[*x*] (**w**) A living history museum related to resource based activities  
27 owned and operated by a governmental agency or a local historical society,  
28 together with limited commercial activities and facilities that are directly  
29 related to the use and enjoyment of the museum and located within authentic  
30 buildings of the depicted historic period or the museum administration

1 building, if areas other than an exclusive farm use zone cannot accommodate  
2 the museum and related activities or if the museum administration buildings  
3 and parking lot are located within one quarter mile of an urban growth  
4 boundary. As used in this paragraph:

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

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

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

15 “[z] (y) A landscape contracting business, as defined in ORS 671.520, or  
16 a business providing landscape architecture services, as described in ORS  
17 671.318, if the business is pursued in conjunction with the growing and  
18 marketing of nursery stock on the land that constitutes farm use.

19 “[aa] (z) Public or private schools for kindergarten through grade 12,  
20 including all buildings essential to the operation of a school, primarily for  
21 residents of the rural area in which the school is located.

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

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

29 “(b) ORS 215.296 for those uses identified by rule of the Land Conserva-  
30 tion and Development Commission as provided in section 3, chapter 529,

1 Oregon Laws 1993.

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

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

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

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

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

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

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

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

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

26 “(i) Planned hours of operation;

27 “(ii) Access, egress and parking;

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

30 “(iv) Sanitation and solid waste.

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

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

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

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

15       “(D) May not include the artificial amplification of music or voices before  
16 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

6       “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

22       “(v) Sanitation and solid waste.

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

29       “(A) Are incidental and subordinate to existing commercial farm use of  
30 the tract and are necessary to support the commercial farm uses or the

1 commercial agricultural enterprises in the area;

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

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

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

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

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

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

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

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

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

30 “(c) The authorizations provided by subsection (4) of this section are in



1 addition to other authorizations that may be provided by law, except that  
2 ‘outdoor mass gathering’ and ‘other gathering,’ as those terms are used in  
3 ORS 197.015 (10)(d), do not include agri-tourism or other commercial events  
4 and activities.

5 **“SECTION 3.** ORS 92.010 is amended to read:

6 “92.010. As used in ORS 92.010 to 92.192, unless the context requires oth-  
7 erwise:

8 “(1) ‘Declarant’ means the person who files a declaration under ORS  
9 92.075.

10 “(2) ‘Declaration’ means the instrument described in ORS 92.075 by which  
11 the subdivision or partition plat was created.

12 “(3)(a) ‘Lawfully established unit of land’ means:

13 “(A) A lot or parcel created pursuant to ORS 92.010 to 92.192; or

14 “(B) Another unit of land created:

15 “(i) In compliance with all applicable planning, zoning and subdivision  
16 or partition ordinances and regulations; or

17 “(ii) By deed or land sales contract, if there were no applicable planning,  
18 zoning or subdivision or partition ordinances or regulations.

19 “(b) ‘Lawfully established unit of land’ does not mean a unit of land cre-  
20 ated solely to establish a separate tax account.

21 “(4) ‘Lot’ means a single unit of land that is created by a subdivision of  
22 land.

23 “(5) ‘Negotiate’ means any activity preliminary to the execution of a  
24 binding agreement for the sale of land in a subdivision or partition, includ-  
25 ing but not limited to advertising, solicitation and promotion of the sale of  
26 such land.

27 “(6) ‘Parcel’ means a single unit of land that is created by a partition of  
28 land.

29 “(7) ‘Partition’ means either an act of partitioning land or an area or  
30 tract of land partitioned.

1 “(8) ‘Partition plat’ includes a final map and other writing containing all  
2 the descriptions, locations, specifications, provisions and information con-  
3 cerning a partition.

4 “(9) ‘Partitioning land’ means dividing land to create not more than three  
5 parcels of land within a calendar year, but does not include:

6 “(a) Dividing land as a result of a lien foreclosure, foreclosure of a re-  
7 corded contract for the sale of real property or the creation of cemetery lots;

8 “(b) Adjusting a property line as property line adjustment is defined in  
9 this section;

10 “(c) Dividing land as a result of the recording of a subdivision or condo-  
11 minium plat;

12 “(d) Selling or granting by a person to a public agency or public body of  
13 property for state highway, county road, city street or other right of way  
14 purposes if the road or right of way complies with the applicable compre-  
15 hensive plan and ORS 215.213 [(2)(p) to (r)] **(2)(o) to (q)** and 215.283 [(2)(q)  
16 to (s)] **(2)(p) to (r)**. However, any property sold or granted for state highway,  
17 county road, city street or other right of way purposes shall continue to be  
18 considered a single unit of land until the property is further subdivided or  
19 partitioned; or

20 “(e) Selling or granting by a public agency or public body of excess  
21 property resulting from the acquisition of land by the state, a political sub-  
22 division or special district for highways, county roads, city streets or other  
23 right of way purposes when the sale or grant is part of a property line ad-  
24 justment incorporating the excess right of way into adjacent property. The  
25 property line adjustment shall be approved or disapproved by the applicable  
26 local government. If the property line adjustment is approved, it shall be  
27 recorded in the deed records of the county where the property is located.

28 “(10) ‘Plat’ includes a final subdivision plat, replat or partition plat.

29 “(11) ‘Property line’ means the division line between two units of land.

30 “(12) ‘Property line adjustment’ means a relocation or elimination of all

1 or a portion of the common property line between abutting properties that  
2 does not create an additional lot or parcel.

3 “(13) ‘Replat’ means the act of platting the lots, parcels and easements in  
4 a recorded subdivision or partition plat to achieve a reconfiguration of the  
5 existing subdivision or partition plat or to increase or decrease the number  
6 of lots in the subdivision.

7 “(14) ‘Road’ or ‘street’ means a public or private way that is created to  
8 provide ingress or egress for persons to one or more lots, parcels, areas or  
9 tracts of land, excluding a private way that is created to provide ingress or  
10 egress to such land in conjunction with the use of such land for forestry,  
11 mining or agricultural purposes.

12 “(15) ‘Sale’ or ‘sell’ includes every disposition or transfer of land or an  
13 interest or estate therein.

14 “(16) ‘Subdivide land’ means to divide land to create four or more lots  
15 within a calendar year.

16 “(17) ‘Subdivision’ means either an act of subdividing land or an area or  
17 a tract of land subdivided.

18 “(18) ‘Subdivision plat’ includes a final map and other writing containing  
19 all the descriptions, locations, specifications, dedications, provisions and in-  
20 formation concerning a subdivision.

21 “(19) ‘Utility easement’ means an easement noted on a subdivision plat  
22 or partition plat for the purpose of installing or maintaining public or pri-  
23 vate utility infrastructure for the provision of water, power, heat or tele-  
24 communications to the public.

25 **“SECTION 4.** ORS 215.246 is amended to read:

26 “215.246. (1) The uses allowed under ORS 215.213 (1)(y) and 215.283 (1)(v):

27 “(a) Require a determination by the Department of Environmental Qual-  
28 ity, in conjunction with the department’s review of a license, permit or ap-  
29 proval, that the application rates and site management practices for the land  
30 application of reclaimed water, agricultural or industrial process water or

1 biosolids ensure continued agricultural, horticultural or silvicultural pro-  
2 duction and do not reduce the productivity of the tract.

3 “(b) Are not subject to other provisions of ORS 215.213 or 215.283 or to  
4 the provisions of ORS 215.275 or 215.296.

5 “(2) The use of a tract of land on which the land application of reclaimed  
6 water, agricultural or industrial process water or biosolids has occurred un-  
7 der this section may not be changed to allow a different use unless:

8 “(a) The tract is included within an acknowledged urban growth bound-  
9 ary;

10 “(b) The tract is rezoned to a zone other than an exclusive farm use zone;

11 “(c) The different use of the tract is a farm use as defined in ORS 215.203;  
12 or

13 “(d) The different use of the tract is a use allowed under:

14 “(A) ORS 215.213 (1)(b), (d) to (f), (i) to (n), (p) to (r), (u), (w) or (x);

15 “(B) ORS 215.213 (2)(a) to (c), (i), [*m* or *p* to *r*] **(L) or (o) to (q)**;

16 “(C) ORS 215.213 (11);

17 “(D) ORS 215.283 (1)(b), (d), (e), (h) to (L), (n) to (p), (r), (t) or (u);

18 “(E) ORS 215.283 (2)(a), (j), [*L* or *p* to *s*] **(k) or (o) to (r)**; or

19 “(F) ORS 215.283 (4).

20 “(3) When a state agency or a local government makes a land use decision  
21 relating to the land application of reclaimed water, agricultural or industrial  
22 process water or biosolids under a license, permit or approval by the De-  
23 partment of Environmental Quality, the applicant shall explain in writing  
24 how alternatives identified in public comments on the land use decision were  
25 considered and, if the alternatives are not used, explain in writing the rea-  
26 sons for not using the alternatives. The applicant must consider only those  
27 alternatives that are identified with sufficient specificity to afford the ap-  
28 plicant an adequate opportunity to consider the alternatives. A land use de-  
29 cision relating to the land application of reclaimed water, agricultural or  
30 industrial process water or biosolids may not be reversed or remanded under

1 this subsection unless the applicant failed to consider identified alternatives  
2 or to explain in writing the reasons for not using the alternatives.

3 “(4) The uses allowed under this section include:

4 “(a) The treatment of reclaimed water, agricultural or industrial process  
5 water or biosolids that occurs as a result of the land application;

6 “(b) The establishment and use of facilities, including buildings, equip-  
7 ment, aerated and nonaerated water impoundments, pumps and other irri-  
8 gation equipment, that are accessory to and reasonably necessary for the  
9 land application to occur on the subject tract;

10 “(c) The establishment and use of facilities, including buildings and  
11 equipment, that are not on the tract on which the land application occurs  
12 for the transport of reclaimed water, agricultural or industrial process water  
13 or biosolids to the tract on which the land application occurs if the facilities  
14 are located within:

15 “(A) A public right of way; or

16 “(B) Other land if the landowner provides written consent and the owner  
17 of the facility complies with ORS 215.275 (4); and

18 “(d) The transport by vehicle of reclaimed water or agricultural or in-  
19 dustrial process water to a tract on which the water will be applied to land.

20 “(5) Uses not allowed under this section include:

21 “(a) The establishment and use of facilities, including buildings or equip-  
22 ment, for the treatment of reclaimed water, agricultural or industrial process  
23 water or biosolids other than those treatment facilities related to the treat-  
24 ment that occurs as a result of the land application; or

25 “(b) The establishment and use of utility facility service lines allowed  
26 under ORS 215.213 (1)(x) or 215.283 (1)(u).

27 **“SECTION 5.** ORS 215.263 is amended to read:

28 “215.263. (1) Any proposed division of land included within an exclusive  
29 farm use zone resulting in the creation of one or more parcels of land shall  
30 be reviewed and approved or disapproved by the governing body or its

1 designee of the county in which the land is situated. The governing body of  
2 a county by ordinance shall require prior review and approval for divisions  
3 of land within exclusive farm use zones established within the county.

4 “(2) The governing body of a county or its designee may approve a pro-  
5 posed division of land to create parcels for farm use as defined in ORS  
6 215.203 if it finds:

7 “(a) That the proposed division of land is appropriate for the continuation  
8 of the existing commercial agricultural enterprise within the area; or

9 “(b) The parcels created by the proposed division are not smaller than the  
10 minimum size established under ORS 215.780.

11 “(3) The governing body of a county or its designee may approve a pro-  
12 posed division of land in an exclusive farm use zone for nonfarm uses, except  
13 dwellings, set out in ORS 215.213 (2) or 215.283 (2) if it finds that the parcel  
14 for the nonfarm use is not larger than the minimum size necessary for the  
15 use. The governing body may establish other criteria as it considers neces-  
16 sary.

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

20 “(a) May approve a division of land in an exclusive farm use zone to  
21 create up to two new parcels smaller than the minimum size established  
22 under ORS 215.780, each to contain a dwelling not provided in conjunction  
23 with farm use if:

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

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

28 “(C) The parcels for the nonfarm dwellings are divided from a lot or  
29 parcel that complies with the minimum size established under ORS 215.780;

30 “(D) The remainder of the original lot or parcel that does not contain the

1 nonfarm dwellings complies with the minimum size established under ORS  
2 215.780; and

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

9 “(b) May approve a division of land in an exclusive farm use zone to di-  
10 vide a lot or parcel into two parcels, each to contain one dwelling not pro-  
11 vided in conjunction with farm use if:

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

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

16 “(C) The parcels for the nonfarm dwellings are divided from a lot or  
17 parcel that is equal to or smaller than the minimum size established under  
18 ORS 215.780 but equal to or larger than 40 acres;

19 “(D) The parcels for the nonfarm dwellings are:

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

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

23 “(E) The parcels for the nonfarm dwellings do not have established water  
24 rights for irrigation; and

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

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

3       “(a) May approve a division of land in an exclusive farm use zone to  
4 create up to two new parcels smaller than the minimum size established  
5 under ORS 215.780, each to contain a dwelling not provided in conjunction  
6 with farm use if:

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

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

10       “(C) The parcels for the nonfarm dwellings are divided from a lot or  
11 parcel that complies with the minimum size established under ORS 215.780;

12       “(D) The remainder of the original lot or parcel that does not contain the  
13 nonfarm dwellings complies with the minimum size established under ORS  
14 215.780; and

15       “(E) The parcels for the nonfarm dwellings are generally unsuitable for  
16 the production of farm crops and livestock or merchantable tree species  
17 considering the terrain, adverse soil or land conditions, drainage or flooding,  
18 vegetation, location and size of the tract. A parcel may not be considered  
19 unsuitable based solely on size or location if the parcel can reasonably be  
20 put to farm or forest use in conjunction with other land.

21       “(b) May approve a division of land in an exclusive farm use zone to di-  
22 vide a lot or parcel into two parcels, each to contain one dwelling not pro-  
23 vided in conjunction with farm use if:

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

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

27       “(C) The parcels for the nonfarm dwellings are divided from a lot or  
28 parcel that is equal to or smaller than the minimum size established under  
29 ORS 215.780 but equal to or larger than 40 acres;

30       “(D) The parcels for the nonfarm dwellings are:



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

3 “(ii) Either composed of at least 90 percent Class VII and VIII soils, or  
4 composed of at least 90 percent Class VI through VIII soils and are not ca-  
5 pable of producing adequate herbaceous forage for grazing livestock. The  
6 Land Conservation and Development Commission, in cooperation with the  
7 State Department of Agriculture and other interested persons, may establish  
8 by rule objective criteria for identifying units of land that are not capable  
9 of producing adequate herbaceous forage for grazing livestock. In developing  
10 the criteria, the commission shall use the latest information from the United  
11 States Natural Resources Conservation Service and consider costs required  
12 to utilize grazing lands that differ in acreage and productivity level;

13 “(E) The parcels for the nonfarm dwellings do not have established water  
14 rights for irrigation; and

15 “(F) The parcels for the nonfarm dwellings are generally unsuitable for  
16 the production of farm crops and livestock or merchantable tree species  
17 considering the terrain, adverse soil or land conditions, drainage or flooding,  
18 vegetation, location and size of the tract. A parcel may not be considered  
19 unsuitable based solely on size or location if the parcel can reasonably be  
20 put to farm or forest use in conjunction with other land.

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

24 “(7) This section does not apply to divisions of land resulting from lien  
25 foreclosures or divisions of land resulting from foreclosure of recorded con-  
26 tracts for the sale of real property.

27 “(8) The governing body of a county may not approve any proposed divi-  
28 sion of a lot or parcel described in ORS 215.213 (1)(d) or (i), 215.283 (1)(d)  
29 or [(2)(L)] **(2)(k)** or 215.284 (1), or a proposed division that separates a pro-  
30 cessing facility from the farm operation specified in ORS 215.213 (1)(u) or

1 215.283 (1)(r).

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

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

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

10 “(10)(a) Notwithstanding ORS 215.780, the governing body of a county or  
11 its designee may approve a proposed division of land provided:

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

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

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

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

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

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

26 “(D) May not be smaller than 25 acres unless the purpose of the land di-  
27 vision is:

28 “(i) To facilitate the creation of a wildlife or pedestrian corridor or the  
29 implementation of a wildlife habitat protection plan; or

30 “(ii) To allow a transaction in which at least one party is a public park

1 or open space provider, or a not-for-profit land conservation organization,  
2 that has cumulative ownership of at least 2,000 acres of open space or park  
3 property.

4 “(11) The governing body of a county or its designee may approve a divi-  
5 sion of land smaller than the minimum lot or parcel size described in ORS  
6 215.780 (1) and (2) in an exclusive farm use zone provided:

7 “(a) The division is for the purpose of establishing a church, including  
8 cemeteries in conjunction with the church;

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

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

11 “(d) The remaining lot or parcel, not including the church, meets the  
12 minimum lot or parcel size described in ORS 215.780 (1) and (2) either by  
13 itself or after it is consolidated with another lot or parcel.

14 “(12) Notwithstanding the minimum lot or parcel size described in ORS  
15 215.780 (1) or (2), the governing body of a county or its designee may approve  
16 a proposed division of land in an exclusive farm use zone for the nonfarm  
17 uses set out in ORS 215.213 (1)(v) or 215.283 (1)(s) if it finds that the parcel  
18 for the nonfarm use is not larger than the minimum size necessary for the  
19 use. The governing body may establish other criteria as it considers neces-  
20 sary.

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

25 “(14) Parcels used or to be used for training or stabling facilities may not  
26 be considered appropriate to maintain the existing commercial agricultural  
27 enterprise in an area where other types of agriculture occur.

28 **“SECTION 6.** ORS 215.297 is amended to read:

29 “215.297. (1) As part of the conditional use approval process under ORS  
30 215.296, for the purpose of verifying the existence, continuity and nature of

1 the business described in ORS 215.213 [(2)(w)] **(2)(v)** or 215.283 [(2)(y)]  
2 **(2)(x)**, representatives of the business may apply to the county and submit  
3 evidence including, but not limited to, sworn affidavits or other documentary  
4 evidence that the business qualifies.

5 “(2) Alteration, restoration or replacement of a use authorized in ORS  
6 215.213 [(2)(w)] **(2)(v)** or 215.283 [(2)(y)] **(2)(x)** may be altered, restored or  
7 replaced pursuant to ORS 215.130 (5), (6) and (9).

8 **“SECTION 7.** ORS 215.304, as amended by section 4, chapter 74, Oregon  
9 Laws 2012, is amended to read:

10 “215.304. (1) The Land Conservation and Development Commission shall  
11 not adopt or implement any rule to identify or designate small-scale farmland  
12 or secondary land.

13 “(2) Amendments required to conform rules to the provisions of subsection  
14 (1) of this section and ORS 215.700 to 215.780 shall be adopted by March 1,  
15 1994.

16 “(3) Any portion of a rule inconsistent with the provisions of ORS 197.247  
17 (1991 Edition), 215.213, 215.214 (1991 Edition), 215.288 (1991 Edition), 215.317,  
18 215.327 and 215.337 (1991 Edition) or 215.700 to 215.780 on March 1, 1994:

19 “(a) Shall not be implemented or enforced; and

20 “(b) Has no legal effect.

21 “(4) Notwithstanding subsection (3) of this section, the uses authorized  
22 by ORS 215.283 (1)(x) or [(2)(n)] **(2)(m)** may be established on land in exclu-  
23 sive farm use zones, including high-value farmland.”.

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