

Senate Bill 956

Sponsored by Senator JOHNSON

SUMMARY

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

Requires that creation, restoration or enhancement of wetlands in any area zoned for exclusive farm use be subject to certain standards of approval by local governing body.

A BILL FOR AN ACT

Relating to wetlands; creating new provisions; and amending ORS 215.203, 215.213, 215.246, 215.249, 215.251, 215.263, 215.283, 215.304, 215.417, 215.452, 215.453, 215.454, 215.780 and 308A.056 and sections 2 and 3, chapter 462, Oregon Laws 2013.

Be It Enacted by the People of the State of Oregon:

CREATION, RESTORATION OR ENHANCEMENT OF WETLANDS IN EXCLUSIVE FARM USE ZONES

SECTION 1. ORS 215.213 is amended to read:

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

(a) Churches and cemeteries in conjunction with churches.

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

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

(A) ORS 215.275; or

(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and 469.300.

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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

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

6 (g) Operations for the exploration for and production of geothermal resources as defined by ORS
7 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
8 compressors, separators and other customary production equipment for an individual well adjacent
9 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
10 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

35 [(o) *Creation, restoration or enhancement of wetlands.*]

36 [(p)] (o) A winery, as described in ORS 215.452 or 215.453.

37 [(q)] (p) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, restoration or re-
38 placement of a lawfully established dwelling.

39 [(r)] (q) Farm stands if:

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

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

4 [(s)] (r) An armed forces reserve center, if the center is within one-half mile of a community
5 college. For purposes of this paragraph, "armed forces reserve center" includes an armory or Na-
6 tional Guard support facility.

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

18 [(u)] (t) A facility for the processing of farm crops or for the production of biofuel, as defined
19 in ORS 315.141, if the facility is located on a farm operation that provides at least one-quarter of
20 the farm crops processed at the facility, or an establishment for the slaughter, processing or selling
21 of poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the
22 processing facility or establishment, the farm operator may not devote more than 10,000 square feet
23 of floor area to the processing facility or establishment, exclusive of the floor area designated for
24 preparation, storage or other farm use. A processing facility or establishment must comply with all
25 applicable siting standards but the standards may not be applied in a manner that prohibits the
26 siting of the processing facility or establishment.

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

28 [(w)] (v) Irrigation reservoirs, canals, delivery lines and those structures and accessory opera-
29 tional facilities, not including parks or other recreational structures and facilities, associated with
30 a district as defined in ORS 540.505.

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

34 (A) A public right of way;

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

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

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

44 [(z)] (y) Dog training classes or testing trials, which may be conducted outdoors or in preexist-
45 ing farm buildings, when:

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

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

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

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

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

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

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

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

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

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

27 (d) Operations conducted for:

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

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

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

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

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

1 ance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 **(z) Creation, restoration or enhancement of wetlands.**

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

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

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

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

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

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

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

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

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

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

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

22 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
23 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (i) Planned hours of operation;

20 (ii) Access, egress and parking;

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

23 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

41 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
 42 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
 43 use permit that is personal to the applicant and is not transferred by, or transferable with, a
 44 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
 45 local standards that apply, and the agri-tourism or 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 occupied in connection
- 4 with the agri-tourism or other commercial events or activities;
- 5 (D) Must comply with ORS 215.296;
- 6 (E) May not, in combination with other agri-tourism or other commercial events or activities
- 7 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 8 (F) Must comply with conditions established for:
 - 9 (i) The types of agri-tourism or other commercial events or activities that are authorized during
 - 10 each calendar year, including the number and duration of the agri-tourism or other commercial
 - 11 events and activities, the anticipated daily attendance and the hours of operation;
 - 12 (ii) The location of existing structures and the location of proposed temporary structures to be
 - 13 used in connection with the agri-tourism or other commercial events or activities;
 - 14 (iii) The location of access and egress and parking facilities to be used in connection with the
 - 15 agri-tourism or other commercial events or activities;
 - 16 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
 - 17 public roads; and
 - 18 (v) Sanitation and solid waste.
- 19 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
- 20 or other commercial events or activities that occur more frequently or for a longer period or that
- 21 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
- 22 commercial events or activities comply with any local standards that apply and the agri-tourism or
- 23 other commercial events or activities:
 - 24 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
 - 25 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
 - 26 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
 - 27 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
 - 28 and
 - 29 (D) Do not exceed 18 events or activities in a calendar year.
- 30 (12) A holder of a permit authorized by a county under subsection (11)(d) of this section must
- 31 request review of the permit at four-year intervals. Upon receipt of a request for review, the county
- 32 shall:
 - 33 (a) Provide public notice and an opportunity for public comment as part of the review process;
 - 34 and
 - 35 (b) Limit its review to events and activities authorized by the permit, conformance with condi-
 - 36 tions of approval required by the permit and the standards established by subsection (11)(d) of this
 - 37 section.
- 38 (13) For the purposes of subsection (11) of this section:
 - 39 (a) A county may authorize the use of temporary structures established in connection with the
 - 40 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-
 - 41 tion. However, the temporary structures must be removed at the end of the agri-tourism or other
 - 42 event or activity. The county may not approve an alteration to the land in connection with an
 - 43 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,
 - 44 including, but not limited to, grading, filling or paving.
 - 45 (b) The county may issue the limited use permits authorized by subsection (11)(c) of this section

1 for two calendar years. When considering an application for renewal, the county shall ensure com-
2 pliance with the provisions of subsection (11)(c) of this section, any local standards that apply and
3 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
4 authorized by the permit.

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

9 **SECTION 2.** ORS 215.213, as amended by section 7, chapter 462, Oregon Laws 2013, is amended
10 to read:

11 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
12 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

19 (A) ORS 215.275; or

20 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
21 469.300.

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

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

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

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

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

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

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

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

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

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

15 (m) Minor betterment of existing public road and highway related facilities, such as maintenance
16 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous
17 public-owned property 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 the existing dwelling has
20 been listed in a county inventory as historic property as defined in ORS 358.480.

21 [(o) *Creation, restoration or enhancement of wetlands.*]

22 [(p)] (o) A winery, as described in ORS 215.452 or 215.453.

23 [(q)] (p) Alteration, restoration or replacement of a lawfully established dwelling that:

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

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

27 (C) Has interior wiring for interior lights;

28 (D) Has a heating system; and

29 (E) In the case of replacement:

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

44 (ii) For which the applicant has requested a deferred replacement permit, is removed or demol-
45 ished within three months after the deferred replacement permit is issued. A deferred replacement

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

7 [(r)] (q) Farm stands if:

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

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

17 [(s)] (r) An armed forces reserve center, if the center is within one-half mile of a community
18 college. For purposes of this paragraph, “armed forces reserve center” includes an armory or Na-
19 tional Guard support facility.

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

31 [(u)] (t) A facility for the processing of farm crops or for the production of biofuel, as defined
32 in ORS 315.141, if the facility is located on a farm operation that provides at least one-quarter of
33 the farm crops processed at the facility, or an establishment for the slaughter, processing or selling
34 of poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the
35 processing facility or establishment, the farm operator may not devote more than 10,000 square feet
36 of floor area to the processing facility or establishment, exclusive of the floor area designated for
37 preparation, storage or other farm use. A processing facility or establishment must comply with all
38 applicable siting standards but the standards may not be applied in a manner that prohibits the
39 siting of the processing facility or establishment.

40 [(v)] (u) Fire service facilities providing rural fire protection services.

41 [(w)] (v) Irrigation reservoirs, canals, delivery lines and those structures and accessory opera-
42 tional facilities, not including parks or other recreational structures and facilities, associated with
43 a district as defined in ORS 540.505.

44 [(x)] (w) Utility facility service lines. Utility facility service lines are utility lines and accessory
45 facilities or structures that end at the point where the utility service is received by the customer

1 and that are located on one or more of the following:

2 (A) A public right of way;

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

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

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

12 [(z)] (y) Dog training classes or testing trials, which may be conducted outdoors or in preexist-
13 ing farm buildings, when:

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

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

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

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

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

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

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

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

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

37 (c) Commercial activities that are in conjunction with farm use, including the processing of farm
38 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or subsection [(1)(u)] (1)(t) of this sec-
39 tion.

40 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

38 (B) Dog training classes or testing trials that cannot be established under subsection [(1)(z)]
39 (1)(y) of this section.

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

41 (m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
42 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
43 shall not include any species under quarantine by the State Department of Agriculture or the United
44 States Department of Agriculture. The county shall provide notice of all applications under this
45 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the

1 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
2 tive decision or initial public hearing on the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 **(z) Creation, restoration or enhancement of wetlands.**

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

45 (a) The dwelling or activities associated with the dwelling will not force a significant change in

1 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.

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

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

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

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

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

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

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

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

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

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

35 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
36 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

45 (8) A person who sells or otherwise transfers real property in an exclusive farm use zone may

1 retain a life estate in a dwelling on that property and in a tract of land under and around the
2 dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (i) Planned hours of operation;

33 (ii) Access, egress and parking;

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

36 (iv) Sanitation and solid waste.

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

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

- 1 (B) May not begin before 6 a.m. or end after 10 p.m.;
- 2 (C) May not involve more than 100 attendees or 50 vehicles;
- 3 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 4 (E) May not require or involve the construction or use of a new permanent structure in con-
- 5 nection with the agri-tourism or other commercial event or activity;
- 6 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
- 7 properties consent, in writing, to the location; and
- 8 (G) Must comply with applicable health and fire and life safety requirements.
- 9 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
- 10 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
- 11 use permit that is personal 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 activities must meet any
- 13 local standards that apply, and the agri-tourism or other commercial events or activities:
- 14 (A) Must be incidental and subordinate to existing farm use on the tract;
- 15 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 16 (C) May not require that a new permanent structure be built, used or occupied in connection
- 17 with the agri-tourism or other commercial events or activities;
- 18 (D) Must comply with ORS 215.296;
- 19 (E) May not, in combination with other agri-tourism or other commercial events or activities
- 20 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 21 (F) Must comply with conditions established for:
 - 22 (i) The types of agri-tourism or other commercial events or activities that are authorized during
 - 23 each calendar year, including the number and duration of the agri-tourism or other commercial
 - 24 events and activities, the anticipated daily attendance and the hours of operation;
 - 25 (ii) The location of existing structures and the location of proposed temporary structures to be
 - 26 used in connection with the agri-tourism or other commercial events or activities;
 - 27 (iii) The location of access and egress and parking facilities to be used in connection with the
 - 28 agri-tourism or other commercial events or activities;
 - 29 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
 - 30 public roads; and
 - 31 (v) Sanitation and solid waste.
- 32 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
- 33 or other commercial events or activities that occur more frequently or for a longer period or that
- 34 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
- 35 commercial events or activities comply with any local standards that apply and the agri-tourism or
- 36 other commercial events or activities:
 - 37 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
 - 38 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
 - 39 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
 - 40 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
 - 41 and
 - 42 (D) Do not exceed 18 events or activities in a calendar year.
- 43 (12) A holder of a permit authorized by a county under subsection (11)(d) of this section must
- 44 request review of the permit at four-year intervals. Upon receipt of a request for review, the county
- 45 shall:

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

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

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

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

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

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

22 **SECTION 3.** ORS 215.283 is amended to read:

23 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

30 (A) ORS 215.275; or

31 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
32 469.300.

33 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
34 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
35 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
36 operator does or will require the assistance of the relative in the management of the farm use and
37 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
38 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS
39 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
40 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
41 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
42 shall operate as a partition of the homesite to create a new parcel.

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

45 (f) Operations for the exploration for and production of geothermal resources as defined by ORS

1 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
2 compressors, separators and other customary production equipment for an individual well adjacent
3 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
4 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

21 *[(m) Creation, restoration or enhancement of wetlands.]*

22 *[(n)]* (m) A winery, as described in ORS 215.452 or 215.453.

23 *[(o)]* (n) Farm stands if:

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

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

33 *[(p)]* (o) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, restoration or re-
34 placement of a lawfully established dwelling.

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

1 *[(r)]* **(q)** A facility for the processing of farm crops or for the production of biofuel, as defined
 2 in ORS 315.141, if the facility is located on a farm operation that provides at least one-quarter of
 3 the farm crops processed at the facility, or an establishment for the slaughter, processing or selling
 4 of poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the
 5 processing facility or establishment, the farm operator may not devote more than 10,000 square feet
 6 of floor area to the processing facility or establishment, exclusive of the floor area designated for
 7 preparation, storage or other farm use. A processing facility or establishment must comply with all
 8 applicable siting standards but the standards may not be applied in a manner that prohibits the
 9 siting of the processing facility or establishment.

10 *[(s)]* **(r)** Fire service facilities providing rural fire protection services.

11 *[(t)]* **(s)** Irrigation reservoirs, canals, delivery lines and those structures and accessory opera-
 12 tional facilities, not including parks or other recreational structures and facilities, associated with
 13 a district as defined in ORS 540.505.

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

17 (A) A public right of way;

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

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

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

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

30 *[(x)]* **(w)** Dog training classes or testing trials, which may be conducted outdoors or in preex-
 31 isting farm buildings, when:

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

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

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

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

41 (b) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (B) "Local historical society" means the local historical society recognized by the county gov-

1 erning body and organized under ORS chapter 65.

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

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

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

10 **(bb) Creation, restoration or enhancement of wetlands.**

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

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

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

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

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

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

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

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

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

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

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

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

38 (i) Planned hours of operation;

39 (ii) Access, egress and parking;

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

42 (iv) Sanitation and solid waste.

43 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
44 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
45 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-

1 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
 2 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
 3 To approve an expedited, single-event license, the governing body of a county or its designee must
 4 determine that the proposed agri-tourism or other commercial event or activity meets any local
 5 standards that apply, and the agri-tourism or other commercial event or activity:

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

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

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

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

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

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

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

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

24 (D) Must comply with ORS 215.296;

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

27 (F) Must comply with conditions established for:

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

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

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

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

37 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

28 **SECTION 4.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, is amended
 29 to read:

30 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

37 (A) ORS 215.275; or

38 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
 39 469.300.

40 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
 41 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
 42 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
 43 operator does or will require the assistance of the relative in the management of the farm use and
 44 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
 45 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS

1 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
2 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
3 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
4 shall operate as a partition of the homesite to create a new parcel.

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

7 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
8 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
9 compressors, separators and other customary production equipment for an individual well adjacent
10 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
11 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

28 *[(m) Creation, restoration or enhancement of wetlands.]*

29 *[(n)]* (m) A winery, as described in ORS 215.452 or 215.453.

30 *[(o)]* (n) Farm stands if:

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

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

40 *[(p)]* (o) Alteration, restoration or replacement of a lawfully established dwelling that:

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

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

44 (C) Has interior wiring for interior lights;

45 (D) Has a heating system; and

1 (E) In the case of replacement:

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

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

24 [(q)] (p) A site for the takeoff and landing of model aircraft, including such buildings or facilities
 25 as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in
 26 floor area or placed on a permanent foundation unless the building or facility preexisted the use
 27 approved under this paragraph. The site shall not include an aggregate surface or hard surface area
 28 unless the surface preexisted the use approved under this paragraph. An owner of property used for
 29 the purpose authorized in this paragraph may charge a person operating the use on the property
 30 rent for the property. An operator may charge users of the property a fee that does not exceed the
 31 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model
 32 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
 33 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
 34 ground.

35 [(r)] (q) A facility for the processing of farm crops or for the production of biofuel, as defined
 36 in ORS 315.141, if the facility is located on a farm operation that provides at least one-quarter of
 37 the farm crops processed at the facility, or an establishment for the slaughter, processing or selling
 38 of poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the
 39 processing facility or establishment, the farm operator may not devote more than 10,000 square feet
 40 of floor area to the processing facility or establishment, exclusive of the floor area designated for
 41 preparation, storage or other farm use. A processing facility or establishment must comply with all
 42 applicable siting standards but the standards may not be applied in a manner that prohibits the
 43 siting of the processing facility or establishment.

44 [(s)] (r) Fire service facilities providing rural fire protection services.

45 [(t)] (s) Irrigation reservoirs, canals, delivery lines and those structures and accessory opera-

1 tional facilities, not including parks or other recreational structures and facilities, associated with
2 a district as defined in ORS 540.505.

3 [(w)] (t) Utility facility service lines. Utility facility service lines are utility lines and accessory
4 facilities or structures that end at the point where the utility service is received by the customer
5 and that are located on one or more of the following:

6 (A) A public right of way;

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

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

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

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

19 [(x)] (w) Dog training classes or testing trials, which may be conducted outdoors or in preex-
20 isting farm buildings, when:

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

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

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

27 (a) Commercial activities that are in conjunction with farm use, including the processing of farm
28 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or subsection [(1)(r)] (1)(q) of this sec-
29 tion.

30 (b) Operations conducted for:

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

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

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

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

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

1 internal cooking appliance.

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

4 (e) Community centers owned by a governmental agency or a nonprofit community organization
5 and operated primarily by and for residents of the local rural community. A community center au-
6 thorized under this paragraph may provide services to veterans, including but not limited to emer-
7 gency and transitional shelter, preparation and service of meals, vocational and educational
8 counseling and referral to local, state or federal agencies providing medical, mental health, disability
9 income replacement and substance abuse services, only in a facility that is in existence on January
10 1, 2006. The services may not include direct delivery of medical, mental health, disability income
11 replacement or substance abuse services.

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

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

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

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

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

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

35 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an
36 existing building, in conjunction with an existing dwelling as a temporary use for the term of a
37 hardship suffered by the existing resident or a relative of the resident. Within three months of the
38 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-
39 ished or, in the case of an existing building, the building shall be removed, demolished or returned
40 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-
41 view of the hardship claimed under this paragraph. A temporary residence approved under this
42 paragraph is not eligible for replacement under subsection [(1)(p)] (1)(o) of this section.

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

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

45 (B) Dog training classes or testing trials that cannot be established under subsection [(1)(x)]

1 (1)(w) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 **(bb) Creation, restoration or enhancement of wetlands.**

45 (3) Roads, highways and other transportation facilities and improvements not allowed under

1 subsections (1) and (2) of this section may be established, subject to the approval of the governing
2 body or its designee, in areas zoned for exclusive farm use subject to:

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

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

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

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

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

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

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

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

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

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

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

27 (i) Planned hours of operation;

28 (ii) Access, egress and parking;

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

31 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

13 (D) Must comply with ORS 215.296;

14 (E) May not, in combination with other agri-tourism or other commercial events or activities
15 authorized in the area, materially alter the stability of 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 that are authorized during
18 each calendar year, including the number and duration of the agri-tourism or other commercial
19 events and activities, the anticipated daily attendance and the hours of operation;

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

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

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

26 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

17 18 CONFORMING AMENDMENTS

19
20 **SECTION 5.** ORS 215.203 is amended to read:

21 215.203. (1) Zoning ordinances may be adopted to zone designated areas of land within the
22 county as exclusive farm use zones. Land within such zones shall be used exclusively for farm use
23 except as otherwise provided in ORS 215.213, 215.283 or 215.284. Farm use zones shall be established
24 only when such zoning is consistent with the comprehensive plan.

25 (2)(a) As used in this section, “farm use” means the current employment of land for the primary
26 purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding,
27 breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or
28 honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural
29 use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage
30 and disposal by marketing or otherwise of the products or by-products raised on such land for hu-
31 man or animal use. “Farm use” also includes the current employment of land for the primary pur-
32 pose of obtaining a profit in money by stabling or training equines including but not limited to
33 providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propa-
34 gation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under
35 the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules
36 adopted by the commission. “Farm use” includes the on-site construction and maintenance of
37 equipment and facilities used for the activities described in this subsection. “Farm use” does not
38 include the use of land subject to the provisions of ORS chapter 321, except land used exclusively
39 for growing cultured Christmas trees as defined in subsection (3) of this section or land described
40 in ORS 321.267 (3) or 321.824 (3).

41 (b) “Current employment” of land for farm use includes:

42 (A) Farmland, the operation or use of which is subject to any farm-related government program;

43 (B) Land lying fallow for one year as a normal and regular requirement of good agricultural
44 husbandry;

45 (C) Land planted in orchards or other perennials, other than land specified in subparagraph (D)

1 of this paragraph, prior to maturity;

2 (D) Land not in an exclusive farm use zone which has not been eligible for assessment at special
3 farm use value in the year prior to planting the current crop and has been planted in orchards,
4 cultured Christmas trees or vineyards for at least three years;

5 (E) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically
6 tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and
7 which is not currently being used for any economic farm use;

8 (F) Except for land under a single family dwelling, land under buildings supporting accepted
9 farm practices, including the processing facilities allowed by ORS 215.213 [(1)(u)] (1)(t) and 215.283
10 [(1)(r)] (1)(q) and the processing of farm crops into biofuel as commercial activities in conjunction
11 with farm use under ORS 215.213 (2)(c) and 215.283 (2)(a);

12 (G) Water impoundments lying in or adjacent to and in common ownership with farm use land;

13 (H) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the
14 owner of land specially valued for farm use even if the land constituting the woodlot is not utilized
15 in conjunction with farm use;

16 (I) Land lying idle for no more than one year where the absence of farming activity is due to
17 the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph,
18 illness includes injury or infirmity whether or not such illness results in death;

19 (J) Any land described under ORS 321.267 (3) or 321.824 (3); and

20 (K) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:

21 (i) Only the crops of the landowner are being processed;

22 (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm
23 of the landowner; or

24 (iii) The landowner is custom processing crops into biofuel from other landowners in the area
25 for their use or sale.

26 (c) As used in this subsection, "accepted farming practice" means a mode of operation that is
27 common to farms of a similar nature, necessary for the operation of such farms to obtain a profit
28 in money, and customarily utilized in conjunction with farm use.

29 (3) "Cultured Christmas trees" means trees:

30 (a) Grown on lands used exclusively for that purpose, capable of preparation by intensive culti-
31 vation methods such as plowing or turning over the soil;

32 (b) Of a marketable species;

33 (c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as
34 specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

35 (d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed
36 and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and
37 disease control, stump culture, soil cultivation, irrigation.

38 **SECTION 6.** ORS 215.246 is amended to read:

39 215.246. (1) The uses allowed under ORS [215.213 (1)(y) and 215.283 (1)(v)] **215.213 (1)(x) and**
40 **215.283 (1)(u):**

41 (a) Require a determination by the Department of Environmental Quality, in conjunction with
42 the department's review of a license, permit or approval, that the application rates and site man-
43 agement practices for the land application of reclaimed water, agricultural or industrial process
44 water or biosolids ensure continued agricultural, horticultural or silvicultural production and do not
45 reduce the productivity of the tract.

1 (b) Are not subject to other provisions of ORS 215.213 or 215.283 or to the provisions of ORS
2 215.274, 215.275 or 215.296.

3 (2) The use of a tract of land on which the land application of reclaimed water, agricultural or
4 industrial process water or biosolids has occurred under this section may not be changed to allow
5 a different use unless:

6 (a) The tract is included within an acknowledged urban growth boundary;

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

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

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

10 (A) ORS 215.213 (1)(b), (d) to (f), (i) to [(n), (p) to (r), (u), (w) or (x)] **(q), (t), (v) or (w)**;

11 (B) ORS 215.213 (2)(a) to (c), (i), (m) or (p) to (r);

12 (C) ORS 215.213 (11);

13 (D) ORS 215.283 (1)(b), (d), (e), (h) to [(L), (n) to (p), (r), (t) or (u)] **(o), (q), (s) or (t)**;

14 (E) ORS 215.283 (2)(a), (j), (L) or (p) to (s); or

15 (F) ORS 215.283 (4).

16 (3) When a state agency or a local government makes a land use decision relating to the land
17 application of reclaimed water, agricultural or industrial process water or biosolids under a license,
18 permit or approval by the Department of Environmental Quality, the applicant shall explain in
19 writing how alternatives identified in public comments on the land use decision were considered and,
20 if the alternatives are not used, explain in writing the reasons for not using the alternatives. The
21 applicant must consider only those alternatives that are identified with sufficient specificity to af-
22 ford the applicant an adequate opportunity to consider the alternatives. A land use decision relating
23 to the land application of reclaimed water, agricultural or industrial process water or biosolids may
24 not be reversed or remanded under this subsection unless the applicant failed to consider identified
25 alternatives or to explain in writing the reasons for not using the alternatives.

26 (4) The uses allowed under this section include:

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

29 (b) The establishment and use of facilities, including buildings, equipment, aerated and
30 nonaerated water impoundments, pumps and other irrigation equipment, that are accessory to and
31 reasonably necessary for the land application to occur on the subject tract;

32 (c) The establishment and use of facilities, including buildings and equipment, that are not on
33 the tract on which the land application occurs for the transport of reclaimed water, agricultural or
34 industrial process water or biosolids to the tract on which the land application occurs if the facili-
35 ties are located within:

36 (A) A public right of way; or

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

39 (d) The transport by vehicle of reclaimed water or agricultural or industrial process water to
40 a tract on which the water will be applied to land.

41 (5) Uses not allowed under this section include:

42 (a) The establishment and use of facilities, including buildings or equipment, for the treatment
43 of reclaimed water, agricultural or industrial process water or biosolids other than those treatment
44 facilities related to the treatment that occurs as a result of the land application; or

45 (b) The establishment and use of utility facility service lines allowed under ORS [215.213 (1)(x)]

1 or 215.283 (1)(u)] **215.213 (1)(w) or 215.283 (1)(t).**

2 **SECTION 7.** ORS 215.249 is amended to read:

3 215.249. Notwithstanding ORS 215.263, the governing body of a county or its designee may not
4 approve a proposed division of land in an exclusive farm use zone for the land application of re-
5 claimed water, agricultural or industrial process water or biosolids described in ORS [215.213 (1)(y)
6 or 215.283 (1)(v)] **215.213 (1)(x) or 215.283 (1)(u).**

7 **SECTION 8.** ORS 215.251 is amended to read:

8 215.251. Nothing in ORS 215.213 [(1)(y)] **(1)(x)**, 215.246 to 215.249 or 215.283 [(1)(v)] **(1)(u)** affects
9 whether the land application of a substance not described in ORS 215.213 [(1)(y)] **(1)(x)**, 215.246 to
10 215.249 or 215.283 [(1)(v)] **(1)(u)** is a farm use as defined in ORS 215.203.

11 **SECTION 9.** ORS 215.263 is amended to read:

12 215.263. (1) Any proposed division of land included within an exclusive farm use zone resulting
13 in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the
14 governing body or its designee of the county in which the land is situated. The governing body of
15 a county by ordinance shall require prior review and approval for divisions of land within exclusive
16 farm use zones established within the county.

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

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

21 (b) The parcels created by the proposed division are not smaller than the minimum size estab-
22 lished under ORS 215.780.

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

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

29 (a) May approve a division of land in an exclusive farm use zone to create up to two new parcels
30 smaller than the minimum size established under ORS 215.780, each to contain a dwelling not pro-
31 vided in conjunction with farm use if:

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

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

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

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

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

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

- 1 (A) The nonfarm dwellings have been approved under ORS 215.284 (2) or (3);
- 2 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully
3 created prior to July 1, 2001;
- 4 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or
5 smaller than the minimum size established under ORS 215.780 but equal to or larger than 40 acres;
- 6 (D) The parcels for the nonfarm dwellings are:
- 7 (i) Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber;
8 and
- 9 (ii) Composed of at least 90 percent Class VI through VIII soils;
- 10 (E) The parcels for the nonfarm dwellings do not have established water rights for irrigation;
11 and
- 12 (F) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm
13 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-
14 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-
15 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or
16 forest use in conjunction with other land.
- 17 (5) In eastern Oregon, as defined in ORS 321.805, the governing body of a county or its designee:
- 18 (a) May approve a division of land in an exclusive farm use zone to create up to two new parcels
19 smaller than the minimum size established under ORS 215.780, each to contain a dwelling not pro-
20 vided in conjunction with farm use if:
- 21 (A) The nonfarm dwellings have been approved under ORS 215.284 (7);
- 22 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully
23 created prior to July 1, 2001;
- 24 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with
25 the minimum size established under ORS 215.780;
- 26 (D) The remainder of the original lot or parcel that does not contain the nonfarm dwellings
27 complies with the minimum size established under ORS 215.780; and
- 28 (E) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm
29 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-
30 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-
31 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or
32 forest use in conjunction with other land.
- 33 (b) May approve a division of land in an exclusive farm use zone to divide a lot or parcel into
34 two parcels, each to contain one dwelling not provided in conjunction with farm use if:
- 35 (A) The nonfarm dwellings have been approved under ORS 215.284 (7);
- 36 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully
37 created prior to July 1, 2001;
- 38 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or
39 smaller than the minimum size established under ORS 215.780 but equal to or larger than 40 acres;
- 40 (D) The parcels for the nonfarm dwellings are:
- 41 (i) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber;
42 and
- 43 (ii) Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90
44 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage
45 for grazing livestock. The Land Conservation and Development Commission, in cooperation with the

1 State Department of Agriculture and other interested persons, may establish by rule objective cri-
2 teria for identifying units of land that are not capable of producing adequate herbaceous forage for
3 grazing livestock. In developing the criteria, the commission shall use the latest information from
4 the United States Natural Resources Conservation Service and consider costs required to utilize
5 grazing lands that differ in acreage and productivity level;

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

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

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

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

17 (8) The governing body of a county may not approve any proposed division of a lot or parcel
18 described in ORS 215.213 (1)(d) or (i), 215.283 (1)(d) or (2)(L) or 215.284 (1), or a proposed division
19 that separates a processing facility from the farm operation specified in ORS 215.213 [(1)(u)] (1)(t)
20 or 215.283 [(1)(r)] (1)(q).

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

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

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

26 (10)(a) Notwithstanding ORS 215.780, the governing body of a county or its designee may ap-
27 prove a proposed division of land provided:

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

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

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

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

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

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

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

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

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

44 (11) The governing body of a county or its designee may approve a division of land smaller than
45 the minimum lot or parcel size described in ORS 215.780 (1) and (2) in an exclusive farm use zone

1 provided:

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

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

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

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

9 (12) Notwithstanding the minimum lot or parcel size described in ORS 215.780 (1) or (2), the
10 governing body of a county or its designee may approve a proposed division of land in an exclusive
11 farm use zone for the nonfarm uses set out in ORS [215.213 (1)(v) or 215.283 (1)(s)] **215.213 (1)(u)**
12 **or 215.283 (1)(r)** if it finds that the parcel for the nonfarm use is not larger than the minimum size
13 necessary for the use. The governing body may establish other criteria as it considers necessary.

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

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

20 **SECTION 10.** ORS 215.304 is amended to read:

21 215.304. (1) The Land Conservation and Development Commission shall not adopt or implement
22 any rule to identify or designate small-scale farmland or secondary land.

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

25 (3) Any portion of a rule inconsistent with the provisions of ORS 197.247 (1991 Edition), 215.213,
26 215.214 (1991 Edition), 215.288 (1991 Edition), 215.317, 215.327 and 215.337 (1991 Edition) or 215.700
27 to 215.780 on March 1, 1994:

28 (a) Shall not be implemented or enforced; and

29 (b) Has no legal effect.

30 (4) Notwithstanding subsection (3) of this section, the uses authorized by ORS 215.283 [(1)(x)]
31 **(1)(w)** or **(2)(n)** may be established on land in exclusive farm use zones, including high-value
32 farmland.

33 **SECTION 11.** Section 2, chapter 462, Oregon Laws 2013, is amended to read:

34 **Sec. 2.** (1) A lawfully established dwelling may be altered, restored or replaced under ORS
35 [215.213 (1)(q) or 215.283 (1)(p)] **215.213 (1)(p) or 215.283 (1)(o)** in the manner provided by either
36 subsection (2) or (3) of this section.

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

39 (a) Finds to the satisfaction of the permitting authority that the dwelling to be altered, restored
40 or replaced has, or formerly had:

41 (A) Intact exterior walls and roof structure;

42 (B) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a
43 sanitary waste disposal system;

44 (C) Interior wiring for interior lights; and

45 (D) A heating system; and

1 (b) Finds that the dwelling was assessed as a dwelling for purposes of ad valorem taxation for
2 the lesser of:

3 (A) The previous five property tax years unless the value of the dwelling was eliminated as a
4 result of the destruction, or demolition in the case of restoration, of the dwelling; or

5 (B) From the time when the dwelling was erected upon or affixed to the land and became subject
6 to assessment as described in ORS 307.010 unless the value of the dwelling was eliminated as a re-
7 sult of the destruction, or demolition in the case of restoration, of the dwelling.

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

13 (4) For replacement of a lawfully established dwelling under ORS [215.213 (1)(q) or 215.283
14 (1)(p)] **215.213 (1)(p) or 215.283 (1)(o)**:

15 (a) The dwelling to be replaced must be removed, demolished or converted to an allowable
16 nonresidential use:

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

19 (B) If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state
20 of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or
21 before a date set by the permitting authority that is not less than 90 days after the replacement
22 permit is issued.

23 (b) The replacement dwelling:

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

25 (B) Must comply with applicable siting standards. However, the standards may not be applied
26 in a manner that prohibits the siting of the replacement dwelling.

27 (c) As a condition of approval, if the dwelling to be replaced is located on a portion of the lot
28 or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be re-
29 corded in the deed records of the county in which the property is located a deed restriction pro-
30 hibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed
31 is irrevocable unless the county planning director, or the director's designee, places a statement of
32 release in the deed records of the county to the effect that the provisions of this section and either
33 ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of
34 another dwelling.

35 (5)(a) Notwithstanding subsection (4)(b)(A) of this section, paragraph (b) of this subsection ap-
36 plies when a replacement dwelling under ORS [215.213 (1)(q) or 215.283 (1)(p)] **215.213 (1)(p) or**
37 **215.283 (1)(o)** qualifies for replacement:

38 (A) Under subsection (2) of this section because the dwelling formerly had the features described
39 in subsection (2) of this section;

40 (B) Under subsection (3) of this section; or

41 (C) Under a permit described in section 3, **chapter 462, Oregon Laws 2013** [of this 2013 Act].

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

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

45 (B) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the

1 area, within a concentration or cluster of structures or within 500 yards of another structure.

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

5 (7) If an applicant is granted a deferred replacement permit under this section:

6 (a) The deferred replacement permit:

7 (A) Does not expire but, notwithstanding subsection (4)(a)(A) of this section, the permit becomes
8 void unless the dwelling to be replaced is removed or demolished within three months after the de-
9 ferred replacement permit is issued; and

10 (B) May not be transferred, by sale or otherwise, except by the applicant to the spouse or a
11 child of the applicant.

12 (b) The replacement dwelling must comply with applicable building codes, plumbing codes, san-
13 itation codes and other requirements relating to health and safety or to siting at the time of con-
14 struction. However, the standards may not be applied in a manner that prohibits the siting of the
15 replacement dwelling.

16 (8) As used in this section, "improperly removed" means, with respect to a dwelling removed
17 from the tax roll, that:

18 (a) The dwelling has taxable value in its present state, or had taxable value when the dwelling:

19 (A) Was first removed from the tax roll; or

20 (B) Was destroyed by fire or other act of God; and

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

23 **SECTION 12.** Section 3, chapter 462, Oregon Laws 2013, is amended to read:

24 **Sec. 3.** A permit for a replacement dwelling that was issued under ORS [215.213 (1)(q) or 215.283
25 (1)(p)] **215.213 (1)(p) or 215.283 (1)(o)** and became void before [the effective date of this 2013 Act]
26 **January 1, 2014**, shall be deemed to be valid and effective if, within one year after [the effective date
27 of this 2013 Act] **January 1, 2014**, the holder of the permit:

28 (1) Removes, demolishes or converts to an allowable nonresidential use the dwelling to be re-
29 placed; and

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

32 **SECTION 13.** ORS 215.417, as amended by section 9, chapter 462, Oregon Laws 2013, is
33 amended to read:

34 215.417. (1) If a permit is approved under ORS 215.416 for a proposed residential development
35 on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293
36 or 215.317 to 215.438 or under county legislation or regulation, the permit shall be valid for four
37 years.

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

40 (3) For the purposes of this section, "residential development" only includes the dwellings pro-
41 vided for under ORS 215.213 [(1)(q)] **(1)(p)**, (3) and (4), 215.283 [(1)(p)] **(1)(o)**, 215.284, 215.317, 215.705
42 (1) to (3), 215.720, 215.740, 215.750 and 215.755 (1) and (3).

43 **SECTION 14.** ORS 215.452 is amended to read:

44 215.452. (1) A winery may be established as a permitted use on land zoned for exclusive farm
45 use under ORS [215.213 (1)(p) and 215.283 (1)(n)] **215.213 (1)(o) and 215.283 (1)(m)** or on land zoned

- 1 for mixed farm and forest use if the winery produces wine with a maximum annual production of:
- 2 (a) Less than 50,000 gallons and:
- 3 (A) Owns an on-site vineyard of at least 15 acres;
- 4 (B) Owns a contiguous vineyard of at least 15 acres;
- 5 (C) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a
- 6 vineyard contiguous to the winery; or
- 7 (D) Obtains grapes from any combination of subparagraph (A), (B) or (C) of this paragraph; or
- 8 (b) At least 50,000 gallons and the winery:
- 9 (A) Owns an on-site vineyard of at least 40 acres;
- 10 (B) Owns a contiguous vineyard of at least 40 acres;
- 11 (C) Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a
- 12 vineyard contiguous to the winery;
- 13 (D) Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at
- 14 least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site;
- 15 or
- 16 (E) Obtains grapes from any combination of subparagraph (A), (B), (C) or (D) of this paragraph.
- 17 (2) In addition to producing and distributing wine, a winery established under this section may:
- 18 (a) Market and sell wine produced in conjunction with the winery.
- 19 (b) Conduct operations that are directly related to the sale or marketing of wine produced in
- 20 conjunction with the winery, including:
- 21 (A) Wine tastings in a tasting room or other location on the premises occupied by the winery;
- 22 (B) Wine club activities;
- 23 (C) Winemaker luncheons and dinners;
- 24 (D) Winery and vineyard tours;
- 25 (E) Meetings or business activities with winery suppliers, distributors, wholesale customers and
- 26 wine-industry members;
- 27 (F) Winery staff activities;
- 28 (G) Open house promotions of wine produced in conjunction with the winery; and
- 29 (H) Similar activities conducted for the primary purpose of promoting wine produced in con-
- 30 junction with the winery.
- 31 (c) Market and sell items directly related to the sale or promotion of wine produced in con-
- 32 junction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine,
- 33 including food and beverages:
- 34 (A) Required to be made available in conjunction with the consumption of wine on the premises
- 35 by the Liquor Control Act or rules adopted under the Liquor Control Act; or
- 36 (B) Served in conjunction with an activity authorized by paragraph (b), (d) or (e) of this sub-
- 37 section.
- 38 (d) Carry out agri-tourism or other commercial events on the tract occupied by the winery
- 39 subject to subsections (5), (6), (7) and (8) of this section.
- 40 (e) Host charitable activities for which the winery does not charge a facility rental fee.
- 41 (3) A winery may include on-site kitchen facilities licensed by the Oregon Health Authority un-
- 42 der ORS 624.010 to 624.121 for the preparation of food and beverages described in subsection (2)(c)
- 43 of this section. Food and beverage services authorized under subsection (2)(c) of this section may
- 44 not utilize menu options or meal services that cause the kitchen facilities to function as a café or
- 45 other dining establishment open to the public.

1 (4) The gross income of the winery from the sale of incidental items or services provided pur-
2 suant to subsection (2)(c) to (e) of this section may not exceed 25 percent of the gross income from
3 the on-site retail sale of wine produced in conjunction with the winery. The gross income of a
4 winery does not include income received by third parties unaffiliated with the winery. At the request
5 of a local government with land use jurisdiction over the site of a winery, the winery shall submit
6 to the local government a written statement that is prepared by a certified public accountant and
7 certifies the compliance of the winery with this subsection for the previous tax year.

8 (5) A winery may carry out up to 18 days of agri-tourism or other commercial events annually
9 on the tract occupied by the winery.

10 (6) For events described in subsection (5) of this section for a winery in the Willamette Valley:

11 (a) Events on the first six days of the 18-day limit per calendar year must be authorized by the
12 local government through the issuance of a renewable multi-year license that:

13 (A) Has a term of five years; and

14 (B) Is subject to an administrative review to determine necessary conditions pursuant to sub-
15 section (7) of this section.

16 (b) The local government's decision on a license under paragraph (a) of this subsection is not:

17 (A) A land use decision, as defined in ORS 197.015, and is not subject to review by the Land
18 Use Board of Appeals.

19 (B) A permit, as defined in ORS 215.402 or 227.160.

20 (c) Events on days seven through 18 of the 18-day limit per calendar year must be authorized
21 by the local government through the issuance of a renewable multi-year permit that:

22 (A) Has a term of five years;

23 (B) Is subject to an administrative review to determine necessary conditions pursuant to sub-
24 section (7) of this section; and

25 (C) Is subject to notice as specified in ORS 215.416 (11) or 227.175 (10).

26 (d) The local government's decision on a permit under paragraph (c) of this subsection is:

27 (A) A land use decision, as defined in ORS 197.015, and is subject to review by the Land Use
28 Board of Appeals.

29 (B) A permit, as defined in ORS 215.402 or 227.160.

30 (7) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by
31 a winery are subordinate to the production and sale of wine and do not create significant adverse
32 impacts to uses on surrounding land, the local government may impose conditions on a license or
33 permit issued pursuant to subsection (6) of this section related to:

34 (a) The number of event attendees;

35 (b) The hours of event operation;

36 (c) Access and parking;

37 (d) Traffic management;

38 (e) Noise management; and

39 (f) Sanitation and solid waste.

40 (8) A local government may charge a fee for processing a license or permit under subsections
41 (6) and (7) of this section. A fee may not exceed the actual or average cost of providing the appli-
42 cable licensing or permitting service.

43 (9) A winery operating under this section shall provide parking for all activities or uses of the
44 lot, parcel or tract on which the winery is established.

45 (10) Prior to the issuance of a permit to establish a winery under this section, the applicant shall

1 show that vineyards described in subsection (1) of this section have been planted or that the con-
2 tract has been executed, as applicable.

3 (11) A local government shall apply the standards described in this subsection. Standards im-
4 posed on the siting of a winery shall be limited solely to each of the following for the sole purpose
5 of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:

6 (a) Establishment of a setback of at least 100 feet from all property lines for the winery and all
7 public gathering places unless the local government grants an adjustment or variance allowing a
8 setback of less than 100 feet; and

9 (b) Provision of direct road access and internal circulation.

10 (12) A local government shall apply:

11 (a) Local criteria regarding floodplains, geologic hazards, the Willamette River Greenway, solar
12 access and airport safety;

13 (b) Regulations of general applicability for the public health and safety; and

14 (c) Regulations for resource protection acknowledged to comply with any statewide goal re-
15 specting open spaces, scenic and historic areas and natural resources.

16 (13) When a bed and breakfast facility is sited as a home occupation on the same tract as a
17 winery established under this section and in association with the winery:

18 (a) The bed and breakfast facility may prepare and serve two meals per day to the registered
19 guests of the bed and breakfast facility; and

20 (b) The meals may be served at the bed and breakfast facility or at the winery.

21 (14) As used in this section:

22 (a) "Agri-tourism or other commercial events" includes outdoor concerts for which admission is
23 charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and
24 other events at which the promotion of wine produced in conjunction with the winery is a secondary
25 purpose of the event.

26 (b) "On-site retail sale" includes the retail sale of wine in person at the winery site, through a
27 wine club or over the Internet or telephone.

28 **SECTION 15.** ORS 215.453 is amended to read:

29 215.453. (1) A winery may be established as a permitted use on land zoned for exclusive farm
30 use under ORS [215.213 (1)(p) or 215.283 (1)(n)] **215.213 (1)(o) or 215.283 (1)(m)** or on land zoned for
31 mixed farm and forest use if:

32 (a) The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is
33 a vineyard;

34 (b) The winery owns at least 80 additional acres of planted vineyards in Oregon that need not
35 be contiguous to the acreage described in paragraph (a) of this subsection; and

36 (c) The winery has produced annually, at the same or a different location, at least 150,000 gal-
37 lons of wine in at least three of the five calendar years before the winery is established under this
38 section.

39 (2) In addition to producing and distributing wine, a winery described in subsection (1) of this
40 section may:

41 (a) Market and sell wine produced in conjunction with the winery;

42 (b) Conduct operations that are directly related to the sale or marketing of wine produced in
43 conjunction with the winery, including:

44 (A) Wine tastings in a tasting room or other location on the premises occupied by the winery;

45 (B) Wine club activities;

- 1 (C) Winemaker luncheons and dinners;
- 2 (D) Winery and vineyard tours;
- 3 (E) Meetings or business activities with winery suppliers, distributors, wholesale customers and
4 wine-industry members;
- 5 (F) Winery staff activities;
- 6 (G) Open house promotions of wine produced in conjunction with the winery; and
- 7 (H) Similar activities conducted for the primary purpose of promoting wine produced in con-
8 junction with the winery;
- 9 (c) Market and sell items directly related to the sale or promotion of wine produced in con-
10 junction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site,
11 including food and beverages:
- 12 (A) Required to be made available in conjunction with the consumption of wine on the premises
13 by the Liquor Control Act or rules adopted under the Liquor Control Act; or
- 14 (B) Served in conjunction with an activity authorized by paragraph (b), (d) or (e) of this sub-
15 section;
- 16 (d) Provide services, including agri-tourism or other commercial events, hosted by the winery
17 or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:
- 18 (A) Are directly related to the sale or promotion of wine produced in conjunction with the
19 winery;
- 20 (B) Are incidental to the retail sale of wine on-site; and
- 21 (C) Are limited to 25 days or fewer in a calendar year; and
- 22 (e) Host charitable activities for which the winery does not charge a facility rental fee.
- 23 (3)(a) The gross income of the winery from the sale of incidental items pursuant to subsection
24 (2)(c) of this section and services provided pursuant to subsection (2)(d) of this section may not ex-
25 ceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with
26 the winery.
- 27 (b) At the request of a local government with land use jurisdiction over the site of a winery, the
28 winery shall submit to the local government a written statement, prepared by a certified public ac-
29 countant, that certifies compliance with paragraph (a) of this subsection for the previous tax year.
- 30 (4) A winery operating under this section:
- 31 (a) Shall provide parking for all activities or uses of the lot, parcel or tract on which the winery
32 is established.
- 33 (b) May operate a restaurant, as defined in ORS 624.010, in which food is prepared for con-
34 sumption on the premises of the winery.
- 35 (5)(a) A winery shall obtain a permit from the local government if the winery operates a res-
36 taurant that is open to the public for more than 25 days in a calendar year or provides for agri-
37 tourism or other commercial events authorized under subsection (2)(d) of this section occurring on
38 more than 25 days in a calendar year.
- 39 (b) In addition to any other requirements, a local government may approve a permit application
40 under this subsection if the local government finds that the authorized activity:
- 41 (A) Complies with the standards described in ORS 215.296;
- 42 (B) Is incidental and subordinate to the retail sale of wine produced in conjunction with the
43 winery; and
- 44 (C) Does not materially alter the stability of the land use pattern in the area.
- 45 (c) If the local government issues a permit under this subsection for agri-tourism or other com-

1 commercial events, the local government shall review the permit at least once every five years and, if
2 appropriate, may renew the permit.

3 (6) A person may not have a substantial ownership interest in more than one winery operating
4 a restaurant under this section.

5 (7) Prior to the issuance of a permit to establish a winery under this section, the applicant shall
6 show that vineyards described in subsection (1) of this section have been planted.

7 (8) A local government shall require a winery operating under this section to provide for:

8 (a) Establishment of a setback of at least 100 feet from all property lines for the winery and all
9 public gathering places; and

10 (b) Direct road access and internal circulation.

11 (9) A local government shall apply:

12 (a) Local criteria regarding floodplains, geologic hazards, the Willamette River Greenway, solar
13 access and airport safety;

14 (b) Regulations for the public health and safety; and

15 (c) Regulations for resource protection acknowledged to comply with any statewide goal re-
16 specting open spaces, scenic and historic areas and natural resources.

17 (10) The local government may authorize a winery described in subsection (1) of this section to
18 sell or deliver items or provide services not described in subsection (2)(c) or (d) or (3) of this section
19 under the criteria for a commercial activity in conjunction with farm use under ORS 215.213 (2)(c)
20 or 215.283 (2)(a) or under other provisions of law.

21 (11)(a) A local government may issue a permit for a winery operating under this section to host
22 outdoor concerts for which admission is charged, facility rentals or celebratory events if the local
23 government issued permits to wineries operating under this section in similar circumstances before
24 August 2, 2011.

25 (b) A local government may not issue a permit for a winery operating under this section to host
26 outdoor concerts for which admission is charged, facility rentals or celebratory events if the local
27 government did not issue permits to wineries operating under this section in similar circumstances
28 before August 2, 2011.

29 (12) When a bed and breakfast facility is sited as a home occupation on the same tract as a
30 winery established under this section and in association with the winery:

31 (a) The bed and breakfast facility may prepare and serve two meals per day to the registered
32 guests of the bed and breakfast facility; and

33 (b) The meals may be served at the bed and breakfast facility or at the winery.

34 (13) As used in this section:

35 (a) "Agri-tourism or other commercial events" includes outdoor concerts for which admission is
36 charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and
37 other events at which the promotion of wine produced in conjunction with the winery is a secondary
38 purpose of the event.

39 (b) "On-site retail sale" includes the retail sale of wine in person at the winery site, through a
40 wine club or over the Internet or telephone.

41 **SECTION 16.** ORS 215.454 is amended to read:

42 215.454. (1)(a) A use or structure in an area zoned for exclusive farm use that exists on June
43 28, 2011, may be lawfully continued, altered, restored or replaced pursuant to ORS 215.130 if the use
44 or structure is located on the same tract, as defined in ORS 215.010, as a winery established under
45 ORS [215.213 (1)(p) or 215.283 (1)(n)] **215.213 (1)(o) or 215.283 (1)(m)** that produced more than

1 250,000 gallons of wine in calendar year 2010.

2 (b) This subsection does not affect the lawful continuation, alteration, restoration or expansion
3 of the winery sited on the same tract.

4 (2) A winery established under ORS [215.213 (1)(p) or 215.283 (1)(n)] **215.213 (1)(o) or 215.283**
5 **(1)(m)** that produced more than 150,000 gallons and not more than 250,000 gallons of wine in cal-
6 endar year 2010 does not require a permit under ORS 215.213 (2)(c) or 215.283 (2)(a). However, the
7 winery must comply with all provisions of ORS 215.452 except the annual production requirements.

8 (3) A use or structure that is lawfully established at a winery located in an exclusive farm use
9 zone and that exists on August 2, 2011, including events and activities that exceed the income limit
10 imposed by ORS 215.452, may be continued, altered, restored or replaced pursuant to ORS 215.130.

11 (4) Subsection (3) of this section does not affect the lawful continuation, alteration, restoration
12 or replacement of the winery sited on the same tract.

13 (5) A use or structure that is lawfully established at a winery located in an exclusive farm use
14 zone and that exists on June 28, 2013, including events and activities that exceed the income limit
15 imposed by ORS 215.452, may be continued, altered, restored or replaced pursuant to ORS 215.130.

16 (6) Subsection (5) of this section does not affect the lawful continuation, alteration, restoration
17 or replacement of the winery sited on the same tract.

18 **SECTION 17.** ORS 215.780 is amended to read:

19 215.780. (1) Except as provided in subsection (2) of this section, the following minimum lot or
20 parcel sizes apply to all counties:

- 21 (a) For land zoned for exclusive farm use and not designated rangeland, at least 80 acres;
- 22 (b) For land zoned for exclusive farm use and designated rangeland, at least 160 acres; and
- 23 (c) For land designated forestland, at least 80 acres.

24 (2) A county may adopt a lower minimum lot or parcel size than that described in subsection (1)
25 of this section in any of the following circumstances:

26 (a) When the county can demonstrate to the Land Conservation and Development Commission
27 that the county can adopt a lower minimum lot or parcel size while continuing to meet the re-
28 quirements of ORS 215.243 and 527.630 and the land use planning goals adopted under ORS 197.230.

29 (b) To divide an area of land zoned for forest use to establish a parcel for a dwelling that has
30 existed since before June 1, 1995, subject to the following requirements:

31 (A) The parcel established may not be larger than five acres, except as necessary to recognize
32 physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres;
33 and

34 (B) The parcel that does not contain the dwelling is not entitled to a dwelling unless subse-
35 quently authorized by law or goal and the parcel either:

36 (i) Meets the minimum land division standards of the zone; or

37 (ii) Is consolidated with another parcel, and together the parcels meet the minimum land division
38 standards of the zone.

39 (c) To divide an area of land zoned for mixed farm and forest use to establish a parcel for a
40 dwelling that has existed since before June 1, 1995, subject to the following requirements:

41 (A) The parcel established may not be larger than five acres, except as necessary to recognize
42 physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres;

43 (B) The parcel that does not contain the dwelling is not entitled to a dwelling unless subse-
44 quently authorized by law or goal and the parcel either:

45 (i) Meets the minimum land division standards of the zone; or

1 (ii) Is consolidated with another parcel, and together the parcels meet the minimum land division
2 standards of the zone;

3 (C) The minimum tract eligible under this paragraph is 40 acres;

4 (D) The tract shall be predominantly in forest use and that portion in forest use qualified for
5 special assessment under a program under ORS chapter 321; and

6 (E) The remainder of the tract does not qualify for any uses allowed under ORS 215.213 and
7 215.283 that are not allowed on forestland.

8 (d) To allow a division of forestland to facilitate a forest practice as defined in ORS 527.620 that
9 results in a parcel that does not meet the minimum area requirements of subsection (1)(c) of this
10 section or paragraph (a) of this subsection. Parcels created pursuant to this subsection:

11 (A) Are not eligible for siting of a new dwelling;

12 (B) May not serve as the justification for the siting of a future dwelling on other lots or parcels;

13 (C) May not, as a result of the land division, be used to justify redesignation or rezoning of re-
14 source lands; and

15 (D) May not result in a parcel of less than 35 acres, unless the purpose of the land division is
16 to:

17 (i) Facilitate an exchange of lands involving a governmental agency; or

18 (ii) Allow transactions in which at least one participant is a person with a cumulative ownership
19 of at least 2,000 acres of forestland.

20 (e) To allow a division of a lot or parcel zoned for forest use or mixed farm and forest use under
21 a statewide planning goal protecting forestland if:

22 (A) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

23 (B) Each dwelling complies with the criteria for a replacement dwelling under ORS [215.213
24 (1)(q) or 215.283 (1)(p)] **215.213 (1)(p) or 215.283 (1)(o)**;

25 (C) Except for one lot or parcel, each lot or parcel created under this paragraph is between two
26 and five acres in size;

27 (D) At least one dwelling is located on each lot or parcel created under this paragraph; and

28 (E) The landowner of a lot or parcel created under this paragraph provides evidence that a re-
29 striction prohibiting the landowner and the landowner's successors in interest from further dividing
30 the lot or parcel has been recorded with the county clerk of the county in which the lot or parcel
31 is located. A restriction imposed under this paragraph shall be irrevocable unless a statement of
32 release is signed by the county planning director of the county in which the lot or parcel is located
33 indicating that the comprehensive plan or land use regulations applicable to the lot or parcel have
34 been changed so that the lot or parcel is no longer subject to statewide planning goals protecting
35 forestland or unless the land division is subsequently authorized by law or by a change in a state-
36 wide planning goal for land zoned for forest use or mixed farm and forest use.

37 (f) To allow a proposed division of land in a forest zone or a mixed farm and forest zone as
38 provided in ORS 215.783.

39 (3) A county planning director shall maintain a record of lots and parcels that do not qualify for
40 division under the restrictions imposed under subsections (2)(e) and (4) of this section. The record
41 shall be readily available to the public.

42 (4) A lot or parcel may not be divided under subsection (2)(e) of this section if an existing
43 dwelling on the lot or parcel was approved under:

44 (a) A statute, an administrative rule or a land use regulation as defined in ORS 197.015 that
45 required removal of the dwelling or that prohibited subsequent division of the lot or parcel; or

1 (b) A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest
2 use zone under a statewide planning goal protecting forestland.

3 (5) A county with a minimum lot or parcel size acknowledged by the commission pursuant to
4 ORS 197.251 after January 1, 1987, or acknowledged pursuant to periodic review requirements under
5 ORS 197.628 to 197.651 that is smaller than those prescribed in subsection (1) of this section need
6 not comply with subsection (2) of this section.

7 (6)(a) An applicant for the creation of a parcel pursuant to subsection (2)(b) and (c) of this sec-
8 tion shall provide evidence that a restriction on the remaining parcel, not containing the dwelling,
9 has been recorded with the county clerk of the county where the property is located. An applicant
10 for the creation of a parcel pursuant to subsection (2)(d) of this section shall provide evidence that
11 a restriction on the newly created parcel has been recorded with the county clerk of the county
12 where the property is located. The restriction shall allow no dwellings unless authorized by law or
13 goal on land zoned for forest use except as permitted under subsection (2) of this section.

14 (b) A restriction imposed under this subsection shall be irrevocable unless a statement of release
15 is signed by the county planning director of the county where the property is located indicating that
16 the comprehensive plan or land use regulations applicable to the property have been changed in
17 such a manner that the parcel is no longer subject to statewide planning goals pertaining to agri-
18 cultural land or forestland.

19 (c) The county planning director shall maintain a record of parcels that do not qualify for the
20 siting of a new dwelling under restrictions imposed by this subsection. The record shall be readily
21 available to the public.

22 (7) A landowner allowed a land division under subsection (2) of this section shall sign a state-
23 ment that shall be recorded with the county clerk of the county in which the property is located,
24 declaring that the landowner and the landowner's successors in interest will not in the future com-
25 plain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

26 **SECTION 18.** ORS 308A.056 is amended to read:

27 308A.056. (1) As used in ORS 308A.050 to 308A.128, "farm use" means the current employment
28 of land for the primary purpose of obtaining a profit in money by:

29 (a) Raising, harvesting and selling crops.

30 (b) Feeding, breeding, managing or selling livestock, poultry, fur-bearing animals or honeybees
31 or the produce thereof.

32 (c) Dairying and selling dairy products.

33 (d) Stabling or training equines, including but not limited to providing riding lessons, training
34 clinics and schooling shows.

35 (e) Propagating, cultivating, maintaining or harvesting aquatic species and bird and animal
36 species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission.

37 (f) On-site constructing and maintaining equipment and facilities used for the activities described
38 in this subsection.

39 (g) Preparing, storing or disposing of, by marketing, donation to a local food bank or school or
40 otherwise, the products or by-products raised for human or animal use on land described in this
41 section.

42 (h) Implementing a remediation plan previously presented to the assessor for the county in
43 which the land that is the subject of the plan is located.

44 (i) Using land described in this section for any other agricultural or horticultural use or animal
45 husbandry or any combination thereof.

1 (2) "Farm use" does not include the use of land subject to timber and forestland taxation under
2 ORS chapter 321, except land used exclusively for growing cultured Christmas trees or land de-
3 scribed in ORS 321.267 (3) or 321.824 (3) (relating to land used to grow certain hardwood timber,
4 including hybrid cottonwood).

5 (3) For purposes of this section, land is currently employed for farm use if the land is:

6 (a) Farmland, the operation or use of which is subject to any farm-related government program;

7 (b) Land lying fallow for one year as a normal and regular requirement of good agricultural
8 husbandry;

9 (c) Land planted in orchards or other perennials, other than land specified in paragraph (d) of
10 this subsection, prior to maturity;

11 (d) Land not in an exclusive farm use zone that has not been eligible for assessment at special
12 farm use value in the year prior to planting the current crop and has been planted in orchards,
13 cultured Christmas trees or vineyards for at least three years;

14 (e) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically
15 tillable nor grazeable, lying in or adjacent to and in common ownership with farm use land and that
16 is not currently being used for any economic farm use;

17 (f) Except for land under a single family dwelling, land under buildings supporting accepted
18 farming practices, including the processing facilities allowed by ORS [215.213 (1)(u) and 215.283
19 (1)(r)] **215.213 (1)(t) and 215.283 (1)(q)** and the processing of farm crops into biofuel as commercial
20 activities in conjunction with farm use under ORS 215.213 (2)(c) and 215.283 (2)(a);

21 (g) Water impoundments lying in or adjacent to and in common ownership with farm use land;

22 (h) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the
23 owner of land specially valued for farm use even if the land constituting the woodlot is not utilized
24 in conjunction with farm use;

25 (i) Land lying idle for no more than one year when the absence of farming activity is the result
26 of the illness of the farmer or a member of the farmer's immediate family, including injury or
27 infirmity, regardless of whether the illness results in death;

28 (j) Land described under ORS 321.267 (3) or 321.824 (3) (relating to land used to grow certain
29 hardwood timber, including hybrid cottonwood);

30 (k) Land subject to a remediation plan previously presented to the assessor for the county in
31 which the land that is the subject of the plan is located; or

32 (L) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:

33 (i) Only the crops of the landowner are being processed;

34 (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm
35 of the landowner; or

36 (iii) The landowner is custom processing crops into biofuel from other landowners in the area
37 for their use or sale.

38 (4) As used in this section:

39 (a) "Accepted farming practice" means a mode of operation that is common to farms of a similar
40 nature, necessary for the operation of these similar farms to obtain a profit in money and custom-
41 arily utilized in conjunction with farm use.

42 (b) "Cultured Christmas trees" means trees:

43 (A) Grown on lands used exclusively for that purpose, capable of preparation by intensive cul-
44 tivation methods such as plowing or turning over the soil;

45 (B) Of a marketable species;

1 (C) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as
2 specified by the Agricultural Marketing Service of the United States Department of Agriculture; and

3 (D) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed
4 and brush control and one or more of the following practices:

- 5 (i) Basal pruning;
- 6 (ii) Fertilizing;
- 7 (iii) Insect and disease control;
- 8 (iv) Stump culture;
- 9 (v) Soil cultivation; or
- 10 (vi) Irrigation.

11
12 **UNIT CAPTIONS**

13
14 **SECTION 19. The unit captions used in this 2015 Act are provided only for the conven-**
15 **ience of the reader and do not become part of the statutory law of this state or express any**
16 **legislative intent in the enactment of this 2015 Act.**