

HOUSE AMENDMENTS TO HOUSE BILL 2730

By COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 24

- 1 In line 2 of the printed bill, delete “561.020” and insert “215.283”.
2 Delete lines 4 through 15 and insert:
3 “**SECTION 1.** ORS 215.283 is amended to read:
4 “215.283. (1) The following uses may be established in any area zoned for exclusive farm use:
5 “(a) Churches and cemeteries in conjunction with churches.
6 “(b) The propagation or harvesting of a forest product.
7 “(c) Utility facilities necessary for public service, including wetland waste treatment systems
8 but not including commercial facilities for the purpose of generating electrical power for public use
9 by sale or transmission towers over 200 feet in height. A utility facility necessary for public service
10 may be established as provided in:
11 “(A) ORS 215.275; or
12 “(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
13 469.300.
14 “(d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of
15 the farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
16 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
17 operator does or will require the assistance of the relative in the management of the farm use and
18 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
19 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS
20 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
21 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
22 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
23 shall operate as a partition of the homesite to create a new parcel.
24 “(e) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily
25 provided in conjunction with farm use.
26 “(f) Operations for the exploration for and production of geothermal resources as defined by
27 ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
28 compressors, separators and other customary production equipment for an individual well adjacent
29 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
30 an exception under ORS 197.732 (2)(a) or (b).
31 “(g) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or
32 construction relating to such operations shall not be a basis for an exception under ORS 197.732
33 (2)(a) or (b).
34 “(h) Climbing and passing lanes within the right of way existing as of July 1, 1987.
35 “(i) Reconstruction or modification of public roads and highways, including the placement of

1 utility facilities overhead and in the subsurface of public roads and highways along the public right
2 of way, but not including the addition of travel lanes, where no removal or displacement of buildings
3 would occur, or no new land parcels result.

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

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

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

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

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

14 “(o) Farm stands if:

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

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

24 “(p) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, restoration or replacement
25 of a lawfully established dwelling.

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

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

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

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

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

8 “(A) A public right of way;

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

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

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

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

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

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

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

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

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

31 “(b) Operations conducted for:

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

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

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

37 “(D) Processing of other mineral resources and other subsurface resources.

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

1 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or
2 internal cooking appliance.

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

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

13 “(f) Golf courses on land:

14 “(A) Determined not to be high-value farmland, as defined in ORS 195.300[.] (10); or

15 “(B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:

16 “(i) Is not otherwise described in ORS 195.300 (10);

17 “(ii) Is surrounded on all sides by an approved golf course; and

18 “(iii) Is west of U.S. Highway 101.

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

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

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

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

38 “(k) A site for the disposal of solid waste approved by the governing body of a city or county
39 or both and for which a permit has been granted under ORS 459.245 by the Department of Envi-
40 ronmental Quality together with equipment, facilities or buildings necessary for its operation.

41 “(L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an
42 existing building, in conjunction with an existing dwelling as a temporary use for the term of a
43 hardship suffered by the existing resident or a relative of the resident. Within three months of the
44 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-
45 ished or, in the case of an existing building, the building shall be removed, demolished or returned

1 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-
2 view of the hardship claimed under this paragraph. A temporary residence approved under this
3 paragraph is not eligible for replacement under subsection (1)(p) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

37 “(A) ‘Living history museum’ means a facility designed to depict and interpret everyday life and
38 culture of some specific historic period using authentic buildings, tools, equipment and people to
39 simulate past activities and events; and

40 “(B) ‘Local historical society’ means the local historical society recognized by the county gov-
41 erning body and organized under ORS chapter 65.

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

45 “(z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-

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

3 “(aa) Public or private schools for kindergarten through grade 12, including all buildings es-
4 sential to the operation of a school, primarily for residents of the rural area in which the school is
5 located.

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

9 “(a) Adoption of an exception to the goal related to agricultural lands and to any other appli-
10 cable goal with which the facility or improvement does not comply; or

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

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

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

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

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

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

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

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

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

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

33 “(i) Planned hours of operation;

34 “(ii) Access, egress and parking;

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

37 “(iv) Sanitation and solid waste.

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

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

1 shall:

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

4 “(b) Limit its review to events and activities authorized by the permit, conformance with con-
5 ditions of approval required by the permit and the standards established by subsection (4)(d) of this
6 section.

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

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

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

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

23 “**SECTION 2.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, is
24 amended to read:

25 “215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

32 “(A) ORS 215.275; or

33 “(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
34 469.300.

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

45 “(e) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily

1 provided in conjunction with farm use.

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

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

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

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

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

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

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

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

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

25 “(o) Farm stands if:

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

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

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

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

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

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

40 “(D) Has a heating system; and

41 “(E) In the case of replacement:

42 “(i) Is removed, demolished or converted to an allowable nonresidential use within three months
43 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of
44 the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable
45 siting standards. However, the standards shall not be applied in a manner that prohibits the siting

1 of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned
2 for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the
3 deed records for the county where the property is located a deed restriction prohibiting the siting
4 of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless
5 a statement of release is placed in the deed records for the county. The release shall be signed by
6 the county or its designee and state that the provisions of this paragraph regarding replacement
7 dwellings have changed to allow the siting of another dwelling. The county planning director or the
8 director's designee shall maintain a record of the lots and parcels that do not qualify for the siting
9 of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions
10 and release statements filed under this paragraph; and

11 “(ii) For which the applicant has requested a deferred replacement permit, is removed or de-
12 molished within three months after the deferred replacement permit is issued. A deferred replace-
13 ment permit allows construction of the replacement dwelling at any time. If, however, the
14 established dwelling is not removed or demolished within three months after the deferred replace-
15 ment permit is issued, the permit becomes void. The replacement dwelling must comply with appli-
16 cable building codes, plumbing codes, sanitation codes and other requirements relating to health and
17 safety or to siting at the time of construction. A deferred replacement permit may not be trans-
18 ferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

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

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

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

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

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

1 “(A) A public right of way;

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

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

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

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

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

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

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

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

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

24 “(b) Operations conducted for:

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

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

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

30 “(D) Processing of other mineral resources and other subsurface resources.

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

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

43 “(e) Community centers owned by a governmental agency or a nonprofit community organization
44 and operated primarily by and for residents of the local rural community. A community center au-
45 thorized under this paragraph may provide services to veterans, including but not limited to emer-

1 agency and transitional shelter, preparation and service of meals, vocational and educational
2 counseling and referral to local, state or federal agencies providing medical, mental health, disability
3 income replacement and substance abuse services, only in a facility that is in existence on January
4 1, 2006. The services may not include direct delivery of medical, mental health, disability income
5 replacement or substance abuse services.

6 “(f) Golf courses on land:

7 “(A) Determined not to be high-value farmland, as defined in ORS 195.300[.] (10); or

8 “(B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:

9 “(i) Is not otherwise described in ORS 195.300 (10);

10 “(ii) Is surrounded on all sides by an approved golf course; and

11 “(iii) Is west of U.S. Highway 101.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 “(3) Roads, highways and other transportation facilities and improvements not allowed under
45 subsections (1) and (2) of this section may be established, subject to the approval of the governing

1 body or its designee, in areas zoned for exclusive farm use subject to:

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

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

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

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

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

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

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

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

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

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

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

26 “(i) Planned hours of operation;

27 “(ii) Access, egress and parking;

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

30 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

1 properties consent, in writing, to the location; and

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

3 “(c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up

4 to six agri-tourism or other commercial events or activities on a tract in a calendar year by a lim-

5 ited use permit that is personal to the applicant and is not transferred by, or transferable with, a

6 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any

7 local standards that apply, and the agri-tourism or other commercial events or activities:

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

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

10 “(C) May not require that a new permanent structure be built, used or occupied in connection

11 with the agri-tourism or other commercial events or activities;

12 “(D) Must comply with ORS 215.296;

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

14 authorized in the area, materially alter the stability of the land use pattern in the area; and

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

16 “(i) The types of agri-tourism or other commercial events or activities that are authorized during

17 each calendar year, including the number and duration of the agri-tourism or other commercial

18 events and activities, the anticipated daily attendance and the hours of operation;

19 “(ii) The location of existing structures and the location of proposed temporary structures to

20 be used in connection with the agri-tourism or other commercial events or activities;

21 “(iii) The location of access and egress and parking facilities to be used in connection with the

22 agri-tourism or other commercial events or activities;

23 “(iv) Traffic management, including the projected number of vehicles and any anticipated use

24 of public roads; and

25 “(v) Sanitation and solid waste.

26 “(d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism

27 or other commercial events or activities that occur more frequently or for a longer period or that

28 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other

29 commercial events or activities comply with any local standards that apply and the agri-tourism or

30 other commercial events or activities:

31 “(A) Are incidental and subordinate to existing commercial farm use of the tract and are nec-

32 essary to support the commercial farm uses or the commercial agricultural enterprises in the area;

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

34 “(C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;

35 and

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

37 “(5) A holder of a permit authorized by a county under subsection (4)(d) of this section must

38 request review of the permit at four-year intervals. Upon receipt of a request for review, the county

39 shall:

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

41 and

42 “(b) Limit its review to events and activities authorized by the permit, conformance with con-

43 ditions of approval required by the permit and the standards established by subsection (4)(d) of this

44 section.

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

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

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

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

16
