

Requested by Representative CLEM

**PROPOSED AMENDMENTS TO
HOUSE BILL 2730**

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
5 exclusive farm use:

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

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

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

13 “(A) ORS 215.275; or

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

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

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

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

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

16 “(g) Operations for the exploration for minerals as defined by ORS
17 517.750. Any activities or construction relating to such operations shall not
18 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

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

28 “(k) Minor betterment of existing public road and highway related facili-
29 ties such as maintenance yards, weigh stations and rest areas, within right
30 of way existing as of July 1, 1987, and contiguous public-owned property

1 utilized to support the operation and maintenance of public roads and high-
2 ways.

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

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

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

8 “(o) Farm stands if:

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

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

20 “(p) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, res-
21 toration or replacement of a lawfully established dwelling.

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

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

6 "(r) A facility for the processing of farm crops or for the production of
7 biofuel, as defined in ORS 315.141, if the facility is located on a farm oper-
8 ation that provides at least one-quarter of the farm crops processed at the
9 facility, or an establishment for the slaughter, processing or selling of
10 poultry or poultry products pursuant to ORS 603.038. If a building is estab-
11 lished or used for the processing facility or establishment, the farm operator
12 may not devote more than 10,000 square feet of floor area to the processing
13 facility or establishment, exclusive of the floor area designated for prepara-
14 tion, storage or other farm use. A processing facility or establishment must
15 comply with all applicable siting standards but the standards may not be
16 applied in a manner that prohibits the siting of the processing facility or
17 establishment.

18 "(s) Fire service facilities providing rural fire protection services.

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

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

26 "(A) A public right of way;

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

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

30 "(v) Subject to the issuance of a license, permit or other approval by the

1 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
2 468B.053 or 468B.055, or in compliance with rules adopted under ORS
3 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
4 reclaimed water, agricultural or industrial process water or biosolids for
5 agricultural, horticultural or silvicultural production, or for irrigation in
6 connection with a use allowed in an exclusive farm use zone under this
7 chapter.

8 “(w) A county law enforcement facility that lawfully existed on August
9 20, 2002, and is used to provide rural law enforcement services primarily in
10 rural areas, including parole and post-prison supervision, but not including
11 a correctional facility as defined under ORS 162.135.

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

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

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

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

23 “(a) Commercial activities that are in conjunction with farm use, includ-
24 ing the processing of farm crops into biofuel not permitted under ORS
25 215.203 (2)(b)(K) or subsection (1)(r) of this section.

26 “(b) Operations conducted for:

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

30 “(B) Mining, crushing or stockpiling of aggregate and other mineral and

1 other subsurface resources subject to ORS 215.298;

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

4 “(D) Processing of other mineral resources and other subsurface re-
5 sources.

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

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

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

1 “(f) Golf courses on land:

2 “(A) Determined not to be high-value farmland, as defined in ORS
3 195.300[.] (10); or

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

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

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

8 “(iii) Is west of U.S. Highway 101.

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

11 “(h) Personal-use airports for airplanes and helicopter pads, including
12 associated hangar, maintenance and service facilities. A personal-use airport,
13 as used in this section, means an airstrip restricted, except for aircraft
14 emergencies, to use by the owner, and, on an infrequent and occasional basis,
15 by invited guests, and by commercial aviation activities in connection with
16 agricultural operations. No aircraft may be based on a personal-use airport
17 other than those owned or controlled by the owner of the airstrip. Exceptions
18 to the activities permitted under this definition may be granted through
19 waiver action by the Oregon Department of Aviation in specific instances.
20 A personal-use airport lawfully existing as of September 13, 1975, shall con-
21 tinue to be permitted subject to any applicable rules of the Oregon Depart-
22 ment 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
25 such facility is found to not seriously interfere with accepted farming prac-
26 tices and is compatible with farm uses described in ORS 215.203 (2). Such a
27 facility may be approved for a one-year period which is renewable. These
28 facilities are intended to be only portable or temporary in nature. The pri-
29 mary processing of a forest product, as used in this section, means the use
30 of a portable chipper or stud mill or other similar methods of initial treat-

1 ment of a forest product in order to enable its shipment to market. Forest
2 products, as used in this section, means timber grown upon a parcel of land
3 or contiguous land where the primary processing facility is located.

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

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

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

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

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

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

24 “(p) The propagation, cultivation, maintenance and harvesting of aquatic
25 species that are not under the jurisdiction of the State Fish and Wildlife
26 Commission or insect species. Insect species shall not include any species
27 under quarantine by the State Department of Agriculture or the United
28 States Department of Agriculture. The county shall provide notice of all
29 applications under this paragraph to the State Department of Agriculture.
30 Notice shall be provided in accordance with the county’s land use regu-

1 lations but shall be mailed at least 20 calendar days prior to any adminis-
2 trative decision or initial public hearing on the application.

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

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

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

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

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

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

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

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

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

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

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

11 “(z) A landscape contracting business, as defined in ORS 671.520, or a
12 business providing landscape architecture services, as described in ORS
13 671.318, if the business is pursued in conjunction with the growing and
14 marketing of nursery stock on the land that constitutes farm use.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(i) Planned hours of operation;

23 “(ii) Access, egress and parking;

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

26 “(iv) Sanitation and solid waste.

27 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a
28 county may authorize, through an expedited, single-event license, a single
29 agri-tourism or other commercial event or activity on a tract in a calendar
30 year by an expedited, single-event license that is personal to the applicant

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

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

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

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

11 “(D) May not include the artificial amplification of music or voices before
12 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

1 activities;

2 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

18 “(v) Sanitation and solid waste.

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

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

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

30 “(C) Occur on a lot or parcel that complies with the acknowledged mini-

1 mum lot or parcel size; and

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

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

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

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

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

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

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

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

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

3 “215.283. (1) The following uses may be established in any area zoned for
4 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
8 treatment systems but not including commercial facilities for the purpose of
9 generating electrical power for public use by sale or transmission towers
10 over 200 feet in height. A utility facility necessary for public service may
11 be established as provided in:

12 “(A) ORS 215.275; or

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

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

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

30 “(f) Operations for the exploration for and production of geothermal re-

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

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

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

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

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

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

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

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

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

28 “(o) Farm stands if:

29 “(A) The structures are designed and used for the sale of farm crops or
30 livestock grown on the farm operation, or grown on the farm operation and

1 other farm operations in the local agricultural area, including the sale of
2 retail incidental items and fee-based activity to promote the sale of farm
3 crops or livestock sold at the farm stand if the annual sale of incidental
4 items and fees from promotional activity do not make up more than 25 per-
5 cent of the total annual sales of the farm stand; and

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

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

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

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

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

16 “(D) Has a heating system; and

17 “(E) In the case of replacement:

18 “(i) Is removed, demolished or converted to an allowable nonresidential
19 use within three months of the completion of the replacement dwelling. A
20 replacement dwelling may be sited on any part of the same lot or parcel. A
21 dwelling established under this paragraph shall comply with all applicable
22 siting standards. However, the standards shall not be applied in a manner
23 that prohibits the siting of the dwelling. If the dwelling to be replaced is
24 located on a portion of the lot or parcel not zoned for exclusive farm use,
25 the applicant, as a condition of approval, shall execute and record in the
26 deed records for the county where the property is located a deed restriction
27 prohibiting the siting of a dwelling on that portion of the lot or parcel. The
28 restriction imposed shall be irrevocable unless a statement of release is
29 placed in the deed records for the county. The release shall be signed by the
30 county or its designee and state that the provisions of this paragraph re-

1 gardening replacement dwellings have changed to allow the siting of another
2 dwelling. The county planning director or the director's designee shall
3 maintain a record of the lots and parcels that do not qualify for the siting
4 of a new dwelling under the provisions of this paragraph, including a copy
5 of the deed restrictions and release statements filed under this paragraph;
6 and

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

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

1 on the ground.

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

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

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

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

22 “(A) A public right of way;

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

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

26 “(v) Subject to the issuance of a license, permit or other approval by the
27 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
28 468B.053 or 468B.055, or in compliance with rules adopted under ORS
29 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
30 reclaimed water, agricultural or industrial process water or biosolids for

1 agricultural, horticultural or silvicultural production, or for irrigation in
2 connection with a use allowed in an exclusive farm use zone under this
3 chapter.

4 “(w) A county law enforcement facility that lawfully existed on August
5 20, 2002, and is used to provide rural law enforcement services primarily in
6 rural areas, including parole and post-prison supervision, but not including
7 a correctional facility as defined under ORS 162.135.

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

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

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

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

19 “(a) Commercial activities that are in conjunction with farm use, includ-
20 ing the processing of farm crops into biofuel not permitted under ORS
21 215.203 (2)(b)(K) or subsection (1)(r) of this section.

22 “(b) Operations conducted for:

23 “(A) Mining and processing of geothermal resources as defined by ORS
24 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted
25 under subsection (1)(f) of this section;

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

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

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

1 sources.

2 “(c) Private parks, playgrounds, hunting and fishing preserves and
3 campgrounds. Subject to the approval of the county governing body or its
4 designee, a private campground may provide yurts for overnight camping.
5 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
7 floor with no permanent foundation. Upon request of a county governing
8 body, the Land Conservation and Development Commission may provide by
9 rule for an increase in the number of yurts allowed on all or a portion of
10 the campgrounds in a county if the commission determines that the increase
11 will comply with the standards described in ORS 215.296 (1). As used in this
12 paragraph, ‘yurt’ means a round, domed shelter of cloth or canvas on a
13 collapsible frame with no plumbing, sewage disposal hookup or internal
14 cooking appliance.

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

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

27 “(f) Golf courses on land:

28 “(a) Determined not to be high-value farmland, as defined in ORS
29 195.300[.] (10); or

30 “(B) Determined to be high-value farmland described in ORS 195.300

1 **(10)(c) if the land:**

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

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

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

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

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

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

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

30 **“(k) A site for the disposal of solid waste approved by the governing body**

1 of a city or county or both and for which a permit has been granted under
2 ORS 459.245 by the Department of Environmental Quality together with
3 equipment, facilities or buildings necessary for its operation.

4 “(L) One manufactured dwelling or recreational vehicle, or the temporary
5 residential use of an existing building, in conjunction with an existing
6 dwelling as a temporary use for the term of a hardship suffered by the ex-
7 isting resident or a relative of the resident. Within three months of the end
8 of the hardship, the manufactured dwelling or recreational vehicle shall be
9 removed or demolished or, in the case of an existing building, the building
10 shall be removed, demolished or returned to an allowed nonresidential use.
11 The governing body or its designee shall provide for periodic review of the
12 hardship claimed under this paragraph. A temporary residence approved un-
13 der this paragraph is not eligible for replacement under subsection (1)(p) of
14 this section.

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

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

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

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

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

29 “(q) Construction of additional passing and travel lanes requiring the
30 acquisition of right of way but not resulting in the creation of new land

1 parcels.

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

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

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

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

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

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

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

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

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

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

7 “(z) A landscape contracting business, as defined in ORS 671.520, or a
8 business providing landscape architecture services, as described in ORS
9 671.318, if the business is pursued in conjunction with the growing and
10 marketing of nursery stock on the land that constitutes farm use.

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

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

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

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

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

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

1 activity meets any local standards that apply and:

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

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

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

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

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

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

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

18 “(i) Planned hours of operation;

19 “(ii) Access, egress and parking;

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

22 “(iv) Sanitation and solid waste.

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

1 the proposed agri-tourism or other commercial event or activity meets any
2 local standards that apply, and the agri-tourism or other commercial event
3 or activity:

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

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

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

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

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

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

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

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

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

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

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

28 “(D) Must comply with ORS 215.296;

29 “(E) May not, in combination with other agri-tourism or other commercial
30 events or activities authorized in the area, materially alter the stability of

1 the land use pattern in the area; and

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

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

4 that are authorized during each calendar year, including the number and

5 duration of the agri-tourism or other commercial events and activities, the

6 anticipated daily attendance and the hours of operation;

7 “(ii) The location of existing structures and the location of proposed

8 temporary structures to be used in connection with the agri-tourism or other

9 commercial events or activities;

10 “(iii) The location of access and egress and parking facilities to be used

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

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

13 any anticipated use of public roads; and

14 “(v) Sanitation and solid waste.

15 “(d) In addition to paragraphs (a) to (c) of this subsection, a county may

16 authorize agri-tourism or other commercial events or activities that occur

17 more frequently or for a longer period or that do not otherwise comply with

18 paragraphs (a) to (c) of this subsection if the agri-tourism or other commer-

19 cial events or activities comply with any local standards that apply and the

20 agri-tourism or other commercial events or activities:

21 “(A) Are incidental and subordinate to existing commercial farm use of

22 the tract and are necessary to support the commercial farm uses or the

23 commercial agricultural enterprises in the area;

24 “(B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F)

25 of this subsection;

26 “(C) Occur on a lot or parcel that complies with the acknowledged mini-

27 mum lot or parcel size; and

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

29 “(5) A holder of a permit authorized by a county under subsection (4)(d)

30 of this section must request review of the permit at four-year intervals. Upon

1 receipt of a request for review, the county shall:

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

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

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

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

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

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

27
