

# House Bill 3024

Sponsored by Representative ZIKA

## SUMMARY

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

Prohibits county from considering property tax classification of dwellings that were previously removed, destroyed, demolished or converted to nonresidential uses when reviewing application for replacement dwelling on lands zoned for exclusive farm use.

## A BILL FOR AN ACT

1  
2 Relating to replacement dwellings in lands zoned for exclusive farm use; creating new provisions;  
3 amending ORS 215.213, 215.283 and 215.780 and sections 2, 10 and 11, chapter 462, Oregon Laws  
4 2013.

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

6 **SECTION 1.** Section 2, chapter 462, Oregon Laws 2013, is amended to read:

7 **Sec. 2.** (1) A lawfully established dwelling may be altered, restored or replaced under ORS  
8 215.213 (1)(q) or 215.283 (1)(p) [*in the manner provided by either subsection (2) or (3) of this section.*]

9 [(2) *The dwelling may be altered, restored or replaced*] if, when an application for a permit is  
10 submitted, the permitting authority:

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

13 (A) Intact exterior walls and roof structure;

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

16 (C) Interior wiring for interior lights; and

17 (D) A heating system; and

18 (b) **If the dwelling has not been removed, destroyed, demolished or converted to an al-**  
19 **lowable nonresidential use**, finds that the dwelling was assessed as a dwelling for purposes of ad  
20 valorem taxation for [*the lesser of*]:

21 (A) The previous five property tax years [*unless the value of the dwelling was eliminated as a*  
22 *result of the destruction, or demolition in the case of restoration, of the dwelling*]; or

23 (B) From the time when the dwelling was erected upon or affixed to the land and became subject  
24 to assessment as described in ORS 307.010 [*unless the value of the dwelling was eliminated as a result*  
25 *of the destruction, or demolition in the case of restoration, of the dwelling*].

26 [(3) *The dwelling may be altered, restored or replaced if, when an application for a permit is sub-*  
27 *mitted, the dwelling meets the requirements of subsection (2)(a) of this section, the dwelling does not*  
28 *meet the requirement of subsection (2)(b) of this section, and the applicant establishes to the satisfaction*  
29 *of the permitting authority that the dwelling was improperly removed from the tax roll by a person*  
30 *other than the current owner.*]

31 [(4)] **(2)** For replacement of a lawfully established dwelling under [ORS 215.213 (1)(q) or 215.283

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

1 ~~(1)(p)~~ **this section:**

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

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

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

10 (b) The replacement dwelling:

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

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

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

22 ~~[(5)(a)]~~ **(3)** Notwithstanding subsection ~~[(4)(b)(A)]~~ **(2)(b)(A)** of this section, *[paragraph (b) of this*  
23 *subsection applies when]* a replacement dwelling *[under ORS 215.213 (1)(q) or 215.283 (1)(p) qualifies*  
24 *for replacement:]*

25 *[(A) Under subsection (2) of this section because the dwelling formerly had the features described*  
26 *in subsection (2) of this section;]*

27 *[(B) Under subsection (3) of this section; or]*

28 *[(C) Under a permit described in section 3 of this 2013 Act.]*

29 *[(b) The replacement dwelling]* **under this section** must be sited on the same lot or parcel:

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

32 *[(B)]* **(b)** If possible, for the purpose of minimizing the adverse impacts on resource use of land  
33 in the area, within a concentration or cluster of structures or within 500 yards of another structure.

34 ~~[(6)]~~ **(4)** The county planning director, or the director's designee, shall maintain a record of the  
35 lots and parcels that do not qualify for the siting of a new dwelling under subsection ~~[(4)]~~ **(2)** of this  
36 section, including a copy of the deed restrictions filed under subsection ~~[(4)]~~ **(2)(c)** of this section.

37 ~~[(7)]~~ **(5)** If an applicant is granted a deferred replacement permit under this section:

38 (a) The deferred replacement permit:

39 (A) Does not expire but, notwithstanding subsection ~~[(4)(a)(A)]~~ **(2)(a)(A)** of this section, the  
40 permit becomes void unless the dwelling to be replaced is removed or demolished within three  
41 months after the deferred replacement permit is issued; and

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

44 (b) The replacement dwelling must comply with applicable building codes, plumbing codes, san-  
45 itation codes and other requirements relating to health and safety or to siting at the time of con-

1 struction. However, the standards may not be applied in a manner that prohibits the siting of the  
 2 replacement dwelling.

3 [(8) *As used in this section, “improperly removed” means, with respect to a dwelling removed from*  
 4 *the tax roll, that:*]

5 [(a) *The dwelling has taxable value in its present state, or had taxable value when the dwelling:*]

6 [(A) *Was first removed from the tax roll; or*]

7 [(B) *Was destroyed by fire or other act of God; and*]

8 [(b) *The county stopped assessing the dwelling even though the current owner did not request re-*  
 9 *moval of the dwelling from the tax roll.*]

10 **SECTION 2.** Section 10, chapter 462, Oregon Laws 2013, is amended to read:

11 **Sec. 10.** The amendments to ORS [215.213, 215.283 and] 215.417 by [sections 7, 8 and 9 of this  
 12 2013 Act] **section 9, chapter 462, Oregon Laws 2013**, become operative January 2, 2024.

13 **SECTION 3.** Section 11, chapter 462, Oregon Laws 2013, is amended to read:

14 **Sec. 11.** [Sections 2 and 3 of this 2013 Act are] **Section 3, chapter 462, Oregon Laws 2013**, is  
 15 repealed January 2, 2024.

16 **SECTION 4. The amendments to section 2, chapter 462, Oregon Laws 2013, by section 5**  
 17 **of this 2019 Act, become operative January 2, 2024.**

18 **SECTION 5.** Section 2, chapter 462, Oregon Law 2013, as amended by section 1 of this 2019  
 19 Act, is amended to read:

20 **Sec. 2.** (1) A lawfully established dwelling may be altered, restored or replaced under ORS  
 21 215.213 (1)(q) or 215.283 (1)(p) if, when an application for a permit is submitted, the permitting  
 22 authority[:]

23 [(a)] finds to the satisfaction of the permitting authority that the dwelling to be altered, restored  
 24 or replaced has[, or formerly had]:

25 [(A)] (a) Intact exterior walls and roof structure;

26 [(B)] (b) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to  
 27 a sanitary waste disposal system;

28 [(C)] (c) Interior wiring for interior lights; and

29 [(D)] (d) A heating system. [; and]

30 [(b) *If the dwelling has not been removed, destroyed, demolished or converted to an allowable*  
 31 *nonresidential use, finds that the dwelling was assessed as a dwelling for purposes of ad valorem*  
 32 *taxation for:*]

33 [(A) *The previous five property tax years; or*]

34 [(B) *From the time when the dwelling was erected upon or affixed to the land and became subject*  
 35 *to assessment as described in ORS 307.010.*]

36 (2) For replacement of a lawfully established dwelling under this section:

37 (a) The dwelling to be replaced must be removed, demolished or converted to an allowable  
 38 nonresidential use[:]

39 [(A)] within [one year] **three months** after the date the replacement dwelling is certified for  
 40 occupancy pursuant to ORS 455.055. [; or]

41 [(B) *If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state*  
 42 *of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before*  
 43 *a date set by the permitting authority that is not less than 90 days after the replacement permit is is-*  
 44 *sued.*]

45 (b) The replacement dwelling:

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

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

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

12 *[(3) Notwithstanding subsection (2)(b)(A) of this section, a replacement dwelling under this section  
13 must be sited on the same lot or parcel:]*

14 *[(a) Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property  
15 line, forest boundary or another natural boundary of the lot or parcel; and]*

16 *[(b) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the  
17 area, within a concentration or cluster of structures or within 500 yards of another structure.]*

18 [(4)] (3) The county planning director, or the director's designee, shall maintain a record of the  
19 lots and parcels that do not qualify for the siting of a new dwelling under subsection (2) of this  
20 section, including a copy of the deed restrictions filed under subsection (2)(c) of this section.

21 [(5)] (4) If an applicant is granted a deferred replacement permit under this section:

22 (a) The deferred replacement permit:

23 (A) Does not expire but, notwithstanding subsection [(2)(a)(A)] (2)(a) of this section, the permit  
24 becomes void unless the dwelling to be replaced is removed or demolished within three months after  
25 the deferred replacement permit is issued; and

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

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

32 **SECTION 6.** ORS 215.213, as amended by section 7, chapter 462, Oregon Laws 2013, section 2,  
33 chapter 148, Oregon Laws 2017, section 4, chapter 253, Oregon Laws 2017, section 4, chapter 504,  
34 Oregon Laws 2017, and section 2, chapter 119, Oregon Laws 2018, is amended to read:

35 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
36 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

43 (A) ORS 215.275; or

44 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
45 469.300.

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

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

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

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

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

24 (i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
25 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
26 hardship suffered by the existing resident or a relative of the resident. Within three months of the  
27 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-  
28 ished or, in the case of an existing building, the building shall be removed, demolished or returned  
29 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-  
30 view of the hardship claimed under this paragraph. A temporary residence approved under this  
31 paragraph is not eligible for replacement under paragraph (q) of this subsection.

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

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

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

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

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

45 (o) Creation, restoration or enhancement of wetlands.

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

2 (q) Alteration, restoration or replacement of a lawfully established dwelling, **as described in**  
 3 **section 2, chapter 462, Oregon Laws 2013.** *[that:]*

4 [(A) *Has intact exterior walls and roof structure;*]

5 [(B) *Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a*  
 6 *sanitary waste disposal system;*]

7 [(C) *Has interior wiring for interior lights;*]

8 [(D) *Has a heating system; and*]

9 [(E) *In the case of replacement:*]

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

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

32 (r) Farm stands if:

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

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

42 (s) An armed forces reserve center, if the center is within one-half mile of a community college.  
 43 For purposes of this paragraph, "armed forces reserve center" includes an armory or National  
 44 Guard support facility.

45 (t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as

1 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor  
 2 area or placed on a permanent foundation unless the building or facility preexisted the use approved  
 3 under this paragraph. The site shall not include an aggregate surface or hard surface area unless  
 4 the surface preexisted the use approved under this paragraph. An owner of property used for the  
 5 purpose authorized in this paragraph may charge a person operating the use on the property rent  
 6 for the property. An operator may charge users of the property a fee that does not exceed the  
 7 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model  
 8 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is  
 9 used or intended to be used for flight and is controlled by radio, lines or design by a person on the  
 10 ground.

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

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

21 (w) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational  
 22 facilities, not including parks or other recreational structures and facilities, associated with a dis-  
 23 trict as defined in ORS 540.505.

24 (x) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-  
 25 cilities or structures that end at the point where the utility service is received by the customer and  
 26 that are located on one or more of the following:

27 (A) A public right of way;

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

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

31 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-  
 32 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with  
 33 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application  
 34 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of  
 35 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-  
 36 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this  
 37 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application  
 38 of biosolids is limited to treatment using treatment facilities that are portable, temporary and  
 39 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land  
 40 application of biosolids is authorized under the license, permit or other approval.

41 (z) Dog training classes or testing trials, which may be conducted outdoors or in preexisting  
 42 farm buildings, when:

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

45 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of

1 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

2 (aa) A cider business, as described in ORS 215.451.

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

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

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

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

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

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

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

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

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

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

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



1 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-  
2 cility may be established as a commercial utility facility as provided in ORS 215.447.

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (t) Room and board arrangements for a maximum of five unrelated persons in existing resi-

1 dences.

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

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

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

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

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

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

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

23 (z) Equine and equine-affiliated therapeutic and counseling activities, provided:

24 (A) The activities are conducted in existing buildings that were lawfully constructed on the  
25 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate  
26 to the farm use on the tract; and

27 (B) All individuals conducting therapeutic or counseling activities are acting within the proper  
28 scope of any licenses required by the state.

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

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

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

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

44 (4) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
45 one single-family dwelling, not provided in conjunction with farm use, may be established in any

1 area zoned for exclusive farm use on a lot or parcel described in subsection (7) of this section that  
2 is not larger than three acres upon written findings showing:

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

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

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

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

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

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

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

26 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,  
27 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (i) Planned hours of operation;

24 (ii) Access, egress and parking;

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

27 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (D) Must comply with ORS 215.296;

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

12 (F) Must comply with conditions established for:

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

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

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

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

22 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

43 (a) A county may authorize the use of temporary structures established in connection with the  
 44 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-  
 45 tion. However, the temporary structures must be removed at the end of the agri-tourism or other

1 event or activity. The county may not approve an alteration to the land in connection with an  
 2 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,  
 3 including, but not limited to, grading, filling or paving.

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

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

13 **SECTION 7.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, section 4,  
 14 chapter 148, Oregon Laws 2017, section 6, chapter 253, Oregon Laws 2017, section 2, chapter 393,  
 15 Oregon Laws 2017, section 6, chapter 504, Oregon Laws 2017, and section 4, chapter 119, Oregon  
 16 Laws 2018, is amended to read:

17 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

24 (A) ORS 215.275; or

25 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
 26 469.300.

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

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

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

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

1 (2)(a) or (b).

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

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

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

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

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

15 (m) Creation, restoration or enhancement of wetlands.

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

17 (o) Farm stands if:

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

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

27 (p) Alteration, restoration or replacement of a lawfully established dwelling, **as described in**  
 28 **section 2, chapter 462, Oregon Laws 2013.** *[that:]*

29 *[(A) Has intact exterior walls and roof structure;]*

30 *[(B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a*  
 31 *sanitary waste disposal system;]*

32 *[(C) Has interior wiring for interior lights;]*

33 *[(D) Has a heating system; and]*

34 *[(E) In the case of replacement:]*

35 *[(i) Is removed, demolished or converted to an allowable nonresidential use within three months*  
 36 *of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of the*  
 37 *same lot or parcel. A dwelling established under this paragraph shall comply with all applicable siting*  
 38 *standards. However, the standards shall not be applied in a manner that prohibits the siting of the*  
 39 *dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for ex-*  
 40 *clusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records*  
 41 *for the county where the property is located a deed restriction prohibiting the siting of a dwelling on*  
 42 *that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of re-*  
 43 *lease is placed in the deed records for the county. The release shall be signed by the county or its*  
 44 *designee and state that the provisions of this paragraph regarding replacement dwellings have changed*  
 45 *to allow the siting of another dwelling. The county planning director or the director's designee shall*

1 *maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the*  
2 *provisions of this paragraph, including a copy of the deed restrictions and release statements filed un-*  
3 *der this paragraph; and]*

4 *[(ii) For which the applicant has requested a deferred replacement permit, is removed or demolished*  
5 *within three months after the deferred replacement permit is issued. A deferred replacement permit al-*  
6 *lows construction of the replacement dwelling at any time. If, however, the established dwelling is not*  
7 *removed or demolished within three months after the deferred replacement permit is issued, the permit*  
8 *becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes,*  
9 *sanitation codes and other requirements relating to health and safety or to siting at the time of con-*  
10 *struction. A deferred replacement permit may not be transferred, by sale or otherwise, except by the*  
11 *applicant to the spouse or a child of the applicant.]*

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

23 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS  
24 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm  
25 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry  
26 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing  
27 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor  
28 area to the processing facility or establishment, exclusive of the floor area designated for prepara-  
29 tion, storage or other farm use. A processing facility or establishment must comply with all appli-  
30 cable siting standards but the standards may not be applied in a manner that prohibits the siting  
31 of the processing facility or establishment.

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

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

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

39 (A) A public right of way;

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

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

43 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-  
44 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with  
45 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application



1 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of  
2 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-  
3 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this  
4 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application  
5 of biosolids is limited to treatment using treatment facilities that are portable, temporary and  
6 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land  
7 application of biosolids is authorized under the license, permit or other approval.

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

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

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

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

17 (y) A cider business, as described in ORS 215.451.

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

20 (a) Commercial activities that are in conjunction with farm use, including the processing of farm  
21 crops into biofuel not permitted under ORS 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 522.005 and oil and gas  
24 as defined by ORS 520.005 not otherwise permitted under subsection (1)(f) of this section;

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

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

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

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

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

41 (e) Community centers owned by a governmental agency or a nonprofit community organization  
42 and operated primarily by and for residents of the local rural community. A community center au-  
43 thorized under this paragraph may provide services to veterans, including but not limited to emer-  
44 gency and transitional shelter, preparation and service of meals, vocational and educational  
45 counseling and referral to local, state or federal agencies providing medical, mental health, disability

1 income replacement and substance abuse services, only in a facility that is in existence on January  
2 1, 2006. The services may not include direct delivery of medical, mental health, disability income  
3 replacement or substance abuse services.

4 (f) Golf courses on land:

5 (A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or

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

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

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

9 (iii) Is west of U.S. Highway 101.

10 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the  
11 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-  
12 cility may be established as a commercial utility facility as provided in ORS 215.447.

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 or  
32 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-  
33 mental 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, weigh  
 14 stations and rest areas, where additional property or right of way is required but not resulting in  
 15 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 gov-  
 24 ernmental agency or a local historical society, together with limited commercial activities and fa-  
 25 cilities that are directly related to the use and enjoyment of the museum and located within  
 26 authentic 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 essential  
 42 to the operation of a school, primarily for residents of the rural area in which the school is located.
- 43 (bb) Equine and equine-affiliated therapeutic and counseling activities, provided:
- 44 (A) The activities are conducted in existing buildings that were lawfully constructed on the  
 45 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate

1 to the farm use on the tract; and

2 (B) All individuals conducting therapeutic or counseling activities are acting within the proper  
3 scope of any licenses required by the state.

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

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

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

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

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

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

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

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

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

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

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

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

31 (i) Planned hours of operation;

32 (ii) Access, egress and parking;

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

35 (iv) Sanitation and solid waste.

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

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

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

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

1 and

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

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

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

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

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

21 **SECTION 8.** ORS 215.780 is amended to read:

22 215.780. (1) Except as provided in subsection (2) of this section, the following minimum lot or  
 23 parcel sizes apply to all counties:

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

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

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

32 (b) To divide by partition an area of land zoned for forest use to create a parcel for a dwelling  
 33 that has existed since before June 1, 1995, subject to the following requirements:

34 (A) The parcel created may not be larger than five acres, except as necessary to recognize  
 35 physical factors such as roads or streams, in which case the parcel may not be larger than 10 acres;  
 36 and

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

- 39 (i) Meets the minimum lot or parcel size of the zone; or
- 40 (ii) Is consolidated with another parcel, and together the parcels meet the minimum lot or parcel  
 41 size of the zone.

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

44 (A) The parcel created may not be larger than five acres, except as necessary to recognize  
 45 physical factors such as roads or streams, in which case the parcel may not be larger than 10 acres;

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

3 (i) Meets the minimum lot or parcel size of the zone; or

4 (ii) Is consolidated with another parcel, and together the parcels meet the minimum lot or parcel  
 5 size of the zone;

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

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

9 (E) The remainder of the tract does not qualify for any uses allowed under ORS 215.213 and  
 10 215.283 that are not allowed on forestland.

11 (d) To allow a division by partition of forestland to facilitate a forest practice as defined in ORS  
 12 527.620 that results in a parcel that does not meet the minimum area requirements of subsection  
 13 (1)(c) of this section or paragraph (a) of this subsection. Parcels created pursuant to this subsection:

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

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

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

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

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

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

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

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

26 (B) Each dwelling complies with the criteria for a replacement dwelling under [ORS 215.213  
 27 (1)(q) or 215.283 (1)(p)] **section 2, chapter 462, Oregon Laws 2013;**

28 (C) Except for one parcel, each parcel created under this paragraph is between two and five  
 29 acres in size;

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

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

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

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

45 (4) A lot or parcel may not be divided under subsection (2)(e) of this section if an existing

1 dwelling on the lot or parcel was approved under:

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

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

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

10 (6)(a) An applicant for the creation of a parcel pursuant to subsection (2)(b) and (c) of this sec-  
 11 tion shall provide evidence that a restriction on the remaining parcel, not containing the dwelling,  
 12 has been recorded with the county clerk of the county where the property is located. An applicant  
 13 for the creation of a parcel pursuant to subsection (2)(d) of this section shall provide evidence that  
 14 a restriction on the newly created parcel has been recorded with the county clerk of the county  
 15 where the property is located. The restriction may not allow a dwelling unless authorized by law  
 16 or goal on land zoned for forest use except as permitted under subsection (2) of this section.

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

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

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

29

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