

# Senate Bill 410

Sponsored by Senator BEYER (Presession filed.)

## 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**.

Eliminates Department of Consumer and Business Services regulation of recreational vehicle construction. Eliminates general definition of recreational vehicle for purposes of manufactured structure construction statutes. Creates substitute definition of recreational vehicle for use in certain statutes outside manufactured structure construction statutes.

Expands types of structures intended for out-of-state delivery exempted from plan review, inspection, electrical, plumbing or other state building code requirements.

## A BILL FOR AN ACT

1  
2 Relating to exclusions from state building code regulation; creating new provisions; and amending  
3 ORS 86A.203, 90.100, 197.492, 215.213, 215.283, 215.317, 215.755, 319.550, 446.003, 446.155, 446.170,  
4 446.561, 455.010, 455.117, 455.312, 455.705, 456.594, 469.155, 469.631, 469.649, 469.710, 479.540,  
5 480.432, 480.450, 693.020 and 801.409.

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

## LIMITATION ON REGULATION

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8  
9  
10 **SECTION 1.** ORS 446.003 is amended to read:

11 446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS  
12 chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires oth-  
13 erwise, or unless administration and enforcement by the State of Oregon under the existing or re-  
14 vised National Manufactured Housing Construction and Safety Standards Act would be adversely  
15 affected, and except as provided in ORS 446.265:

16 (1) "Accessory building or structure" means any portable, demountable or permanent structure  
17 established for use of the occupant of the manufactured structure and as further defined by rule by  
18 the Director of the Department of Consumer and Business Services.

19 (2)(a) "Alteration" means any change, addition, repair, conversion, replacement, modification or  
20 removal of any equipment or installation that may affect the operation, construction or occupancy  
21 of a manufactured structure.

22 (b) "Alteration" does not include:

23 (A) Minor repairs with approved component parts;

24 (B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

25 (C) Adjustment and maintenance of equipment; or

26 (D) Replacement of equipment or accessories in kind.

27 (3) "Approved" means approved, licensed or certified by the Department of Consumer and  
28 Business Services or its designee.

29 (4) "Board" means the Residential and Manufactured Structures Board.

**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 (5) "Cabana" means a stationary, lightweight structure that may be prefabricated, or demount-  
2 able, with two or more walls, used adjacent to and in conjunction with a manufactured structure to  
3 provide additional living space.

4 (6) "Certification" means an evaluation process by which the department verifies a  
5 manufacturer's ability to produce manufactured structures to the department rules and to the de-  
6 partment approved quality control manual.

7 (7) "Conversion" or "to convert" means the process of changing a manufactured structure in  
8 whole or in part from one type of vehicle or structure to another.

9 (8) "Dealer" means any person engaged in the business of selling, leasing or distributing manu-  
10 factured structures or equipment, or both, primarily to persons who in good faith purchase or lease  
11 manufactured structures or equipment, or both, for purposes other than resale.

12 (9) "Department" means the Department of Consumer and Business Services.

13 (10) "Director" means the Director of the Department of Consumer and Business Services.

14 (11) "Distributor" means any person engaged in selling and distributing manufactured structures  
15 or equipment for resale.

16 (12) "Equipment" means materials, appliances, subassembly, devices, fixtures, fittings and  
17 apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured  
18 structure.

19 (13) "Federal manufactured housing construction and safety standard" means a standard for  
20 construction, design and performance of a manufactured dwelling promulgated by the Secretary of  
21 Housing and Urban Development pursuant to the federal National Manufactured Housing Con-  
22 struction and Safety Standards Act of 1974 (Public Law 93-383).

23 (14) "Fire Marshal" means the State Fire Marshal.

24 (15) "Imminent safety hazard" means an imminent and unreasonable risk of death or severe  
25 personal injury.

26 (16) "Insignia of compliance" means:

27 (a) For a manufactured dwelling built to HUD standards for such dwellings, the HUD label; or

28 (b) For all other manufactured structures, the insignia issued by this state indicating compliance  
29 with state law.

30 (17) "Inspecting authority" or "inspector" means the Director of the Department of Consumer  
31 and Business Services or representatives as appointed or authorized to administer and enforce pro-  
32 visions of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this sec-  
33 tion.

34 (18) "Installation" in relation to:

35 (a) Construction means the arrangements and methods of construction, fire and life safety,  
36 electrical, plumbing and mechanical equipment and systems within a manufactured structure.

37 (b) Siting means the manufactured structure and cabana foundation support and tiedown, the  
38 structural, fire and life safety, electrical, plumbing and mechanical equipment and material con-  
39 nections and the installation of skirting and temporary steps.

40 (19) "Installer" means any individual licensed by the director to install, set up, connect, hook  
41 up, block, tie down, secure, support, install temporary steps for, install skirting for or make elec-  
42 trical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides  
43 consultation or supervision for any of these activities, except architects registered under ORS  
44 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

45 (20) "Listed" means equipment or materials included in a list, published by an organization

1 concerned with product evaluation acceptable to the department that maintains periodic inspection  
2 of production of listed equipment or materials, and whose listing states either that the equipment  
3 or materials meets appropriate standards or has been tested and found suitable in a specified man-  
4 ner.

5 (21) "Lot" means any space, area or tract of land, or portion of a manufactured dwelling park,  
6 mobile home park or recreation park that is designated or used for occupancy by one manufactured  
7 structure.

8 (22)(a) "Manufactured dwelling" means a residential trailer, mobile home or manufactured home.

9 (b) "Manufactured dwelling" does not include any building or structure constructed to conform  
10 to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted  
11 pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational  
12 vehicle by the manufacturer.

13 (23) "Manufactured dwelling park" means any place where four or more manufactured dwellings  
14 are located within 500 feet of one another on a lot, tract or parcel of land under the same owner-  
15 ship, the primary purpose of which is to rent or lease space or keep space for rent or lease to any  
16 person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer  
17 space free in connection with securing the trade or patronage of such person. "Manufactured  
18 dwelling park" does not include a lot or lots located within a subdivision being rented or leased for  
19 occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by  
20 the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010  
21 to 92.192.

22 (24)(a) "Manufactured home," except as provided in paragraph (b) of this subsection, means a  
23 structure constructed for movement on the public highways that has sleeping, cooking and plumbing  
24 facilities, that is intended for human occupancy, that is being used for residential purposes and that  
25 was constructed in accordance with federal manufactured housing construction and safety standards  
26 and regulations in effect at the time of construction.

27 (b) For purposes of implementing any contract pertaining to manufactured homes between the  
28 department and the federal government, "manufactured home" has the meaning given the term in  
29 the contract.

30 (25)(a) "Manufactured structure" means a [*recreational vehicle*,] manufactured dwelling or rec-  
31 reational structure.

32 (b) "Manufactured structure" does not include any building or structure regulated under the  
33 State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code.

34 (26) "Manufacturer" means any person engaged in manufacturing, building, rebuilding, altering,  
35 converting or assembling manufactured structures or equipment.

36 (27) "Manufacturing" means the building, rebuilding, altering or converting of manufactured  
37 structures that bear or are required to bear an Oregon insignia of compliance.

38 (28) "Minimum safety standards" means the plumbing, mechanical, electrical, thermal, fire and  
39 life safety, structural and transportation standards prescribed by rules adopted by the director.

40 (29) "Mobile home" means a structure constructed for movement on the public highways that  
41 has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being  
42 used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976,  
43 and met the construction requirements of Oregon mobile home law in effect at the time of con-  
44 struction.

45 (30) "Mobile home park":

1 (a) Means any place where four or more manufactured structures **or recreational vehicles** are  
 2 located within 500 feet of one another on a lot, tract or parcel of land under the same ownership,  
 3 the primary purpose of which is to rent space or keep space for rent to any person for a charge or  
 4 fee paid or to be paid for the rental or use of facilities or to offer space free in connection with  
 5 securing the trade or patronage of such person. **As used in this paragraph, “recreational**  
 6 **vehicles” has the meaning given that term by the director by rule.**

7 (b) [*“Mobile home park”*] Does not include a lot or lots located within a subdivision being rented  
 8 or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was  
 9 approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS  
 10 92.010 to 92.192.

11 (31) “Municipality” means a city, county or other unit of local government otherwise authorized  
 12 by law to enact codes.

13 (32) “Recreational structure” means a campground structure with or without plumbing, heating  
 14 or cooking facilities intended to be used by any particular occupant on a limited-time basis for rec-  
 15 reational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric  
 16 structures or similar structures as further defined, by rule, by the director.

17 [(33) *“Recreational vehicle” means a vehicle with or without motive power, that is designed for*  
 18 *human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as*  
 19 *further defined, by rule, by the director.*]

20 [(34)] (33) “Residential trailer” means a structure constructed for movement on the public  
 21 highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy,  
 22 that is being used for residential purposes and that was constructed before January 1, 1962.

23 [(35)] (34) “Sale” means rent, lease, sale or exchange.

24 [(36)] (35) “Skirting” means a weather resistant material used to enclose the space below the  
 25 manufactured structure.

26 [(37)] (36) “Tiedown” means any device designed to anchor a manufactured structure securely  
 27 to the ground.

28 [(38)] (37) “Transitional housing accommodations” means accommodations described under ORS  
 29 446.265.

30 [(39)] (38) “Utilities” means the water, sewer, gas or electric services provided on a lot for a  
 31 manufactured structure.

32 **SECTION 2.** ORS 446.155 is amended to read:

33 446.155. (1) A person may not sell or offer for sale within this state a manufactured dwelling  
 34 manufactured after January 1, 1962, that contains:

35 (a) Plumbing equipment, unless such equipment meets the requirements of the Department of  
 36 Consumer and Business Services;

37 (b) Heating equipment, unless such equipment meets the requirements of the State Fire Marshal;  
 38 or

39 (c) Electrical equipment, unless such equipment meets the requirements of the department.

40 (2) A person may not rent, lease, sell or offer for rent, lease or sale within this state a manu-  
 41 factured structure manufactured after September 1, 1969, unless the manufactured structure bears  
 42 an insignia of compliance and contains:

43 (a) Plumbing, mechanical and electrical equipment or installations that meet the minimum safety  
 44 standards of the department;

45 (b) Thermal, fire and life safety equipment, material and installations that meet the minimum

1 safety standards of the department; or

2 (c) Structural and transportation equipment, materials, installations and construction that meet  
3 the minimum safety standards of the department.

4 [(3) A person may not rent, lease, sell or offer for rent, lease or sale within this state a recreational  
5 vehicle unless the recreational vehicle:]

6 [(a) Bears an insignia of compliance;]

7 [(b) Has previously been lawfully registered and titled within the United States;]

8 [(c) Has previously been issued an ownership document under ORS 446.571 or recorded under ORS  
9 446.626; or]

10 [(d) Is exempt from registration, title or ownership document requirements because of United States  
11 government ownership.]

12 [(4)] (3) Persons manufacturing, remanufacturing, converting, altering or repairing manufactured  
13 structures or equipment within the state or for use within the state shall comply with all applicable  
14 construction and safety rules of the department and the following:

15 (a) Alterations performed on a manufactured dwelling by the manufacturer or dealer before or  
16 at the time of sale to the first consumer shall be performed in conformance with the National  
17 Manufactured Housing Construction and Safety Standards Act.

18 (b) After the initial sale to a consumer by a manufacturer or dealer, all alterations to a manu-  
19 factured dwelling, except as identified by the Director of the Department of Consumer and Business  
20 Services by rule, shall be in conformance with the specialty codes as described in ORS 455.010 to  
21 455.740 and 479.855.

22 (c) Solid fuel burning appliances shall be in conformance with the National Manufactured  
23 Housing Construction and Safety Standards Act and standards adopted by the department.

24 (d) Notwithstanding subsections (1) and (2) of this section, a previously owned manufactured  
25 dwelling may be sold “as is” provided that the seller discloses in the bill of sale that the manufac-  
26 tured dwelling is being sold on an “as is” or “with all faults” basis, and that the entire risk as to  
27 the quality and performance of the manufactured dwelling is with the buyer. If the manufactured  
28 dwelling is found to be defective after purchase, the buyer shall assume the entire cost of all ser-  
29 vicing and repair. The seller, manufacturer, distributor or retailer is not responsible for any cost  
30 for servicing and repair.

31 [(5)] (4) Installations of manufactured structures shall be in conformance with the standards  
32 adopted by the department for site preparation, foundation support, anchoring, structural and utility  
33 connections, electrical and plumbing tests, underfloor enclosures, ventilation, vapor barriers and  
34 steps used for access and egress.

35 **SECTION 3.** ORS 446.170 is amended to read:

36 446.170. (1) Manufactured structures subject to the provisions of ORS 446.155 to 446.200, and  
37 manufactured structures upon which additions, conversions or alterations of installations of equip-  
38 ment or material are made shall have affixed to the manufactured structures insignia of compliance.

39 (2) A person may not place an insignia of compliance on a manufactured structure except as  
40 provided by ORS 446.155 to 446.200 and the rules adopted under ORS 446.155 to 446.200.

41 (3) Insignia of compliance may be issued in bulk only to manufacturers, remanufacturers or  
42 converters certified and registered with the Department of Consumer and Business Services.

43 (4) Insignia of compliance are not transferable, and the department may not make a refund  
44 representing any unused insignia.

45 [(5) Subsection (1) of this section does not apply to a recreational vehicle described in ORS 446.155

1 (3)(b) to (d).]

2 **SECTION 4.** ORS 446.561 is amended to read:

3 446.561. As used in ORS 446.566 to 446.646:

4 (1) Except as provided in subsection (2) of this section, “manufactured structure” means:

5 (a) A manufactured dwelling. As used in this paragraph, “manufactured dwelling” has the  
6 meaning given that term in ORS 446.003 and also includes a structure that would meet the definition  
7 in ORS 446.003 except that the structure is being used for other than residential purposes.

8 (b) A prefabricated structure, as defined in ORS 455.010, that is relocatable and more than eight  
9 and one-half feet wide.

10 (c) A recreational vehicle, as defined [*in ORS 446.003*] **by the Director of the Department of**  
11 **Consumer and Business Services by rule**, that is more than eight and one-half feet wide.

12 (2) “Manufactured structure” does not include a mobile modular unit as defined in ORS 308.866  
13 or an implement of husbandry as defined in ORS 801.310.

14 **SECTION 5.** ORS 455.010 is amended to read:

15 455.010. As used in this chapter, unless the context requires otherwise:

16 (1)(a) “Advisory board” means the board with responsibility for assisting in the adoption,  
17 amendment or administration of a specialty code, specifically:

18 (A) The Building Codes Structures Board established under ORS 455.132;

19 (B) The Electrical and Elevator Board established under ORS 455.138;

20 (C) The State Plumbing Board established under ORS 693.115;

21 (D) The Board of Boiler Rules established under ORS 480.535;

22 (E) The Residential and Manufactured Structures Board established under ORS 455.135;

23 (F) The Mechanical Board established under ORS 455.140; or

24 (G) The Construction Industry Energy Board established under ORS 455.492.

25 (b) “Appropriate advisory board” means the advisory board that has jurisdiction over a partic-  
26 ular code, standard, license, certification or matter.

27 (2) “Department” means the Department of Consumer and Business Services.

28 (3) “Director” means the Director of the Department of Consumer and Business Services.

29 (4) “Low-Rise Residential Dwelling Code” means the adopted specialty code prescribing stan-  
30 dards for the construction of residential dwellings that are three stories or less above grade and  
31 have an exterior door for each dwelling unit, but are not facilities or homes described in ORS  
32 443.400 or transient lodging.

33 (5) “Municipality” means a city, county or other unit of local government otherwise authorized  
34 by law to administer a building code.

35 (6) “Prefabricated structure” means a building or subassembly that has been in whole or sub-  
36 stantial part manufactured or assembled using closed construction at an off-site location to be  
37 wholly or partially assembled on-site. “Prefabricated structure” does not include a manufactured  
38 dwelling[,] **or** recreational structure [*or recreational vehicle*], as those terms are defined in ORS  
39 446.003, **or a recreational vehicle as defined by the director by rule.**

40 (7) “Specialty code” means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2),  
41 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not include  
42 regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to  
43 479.200 and 479.210 to 479.220.

44 (8) “State building code” means the combined specialty codes.

45 (9) “Structural code” means the specialty code prescribing structural standards for building

1 construction.

2 (10) "Unsafe condition" means a condition caused by earthquake which is determined by the  
3 department or any representative of the department to be dangerous to life and property. "Unsafe  
4 condition" includes but is not limited to:

5 (a) Any portion, member or appurtenance of a building that has become detached or dislodged  
6 or appears likely to fail or collapse and thereby injure persons or damage property; or

7 (b) Any portion, of a building or structure that has been damaged by earthquake, or by fire or  
8 explosion resulting from an earthquake, to the extent that the structural strength or stability of the  
9 building is substantially less than it was prior to the earthquake.

10 **SECTION 6.** ORS 455.117 is amended to read:

11 455.117. (1) Except as provided in subsection (3) of this section, a regulatory body listed in  
12 subsection (2) of this section may adopt rules to administer the licensing, certification or registra-  
13 tion of persons regulated by the body. The rules adopted under this section may include, but need  
14 not be limited to:

15 (a) The form and content of an application for issuance or renewal of a license, certificate or  
16 registration;

17 (b) Training and continuing education requirements to maintain a license, certificate or regis-  
18 tration;

19 (c) The form and content of and the process for preparing and administering examinations and  
20 examination reviews;

21 (d) The term of a license, certificate or registration; and

22 (e) The creation of a system for combining two or more licenses, certificates or registrations  
23 issued to an individual by an advisory board or the Department of Consumer and Business Services  
24 into a single license, certificate, registration or other authorization.

25 (2) Subsection (1) of this section applies to the following:

26 (a) Subject to ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to 446.420, with the ap-  
27 proval of the Residential and Manufactured Structures Board, the Department of Consumer and  
28 Business Services for purposes of licenses, certificates and registrations issued under ORS 446.003  
29 to 446.200, 446.225 to 446.285 and 446.395 to 446.420.

30 (b) Subject to ORS 447.010 to 447.156 and ORS chapter 693, the State Plumbing Board for pur-  
31 poses of licenses issued under ORS 447.010 to 447.156 and ORS chapter 693.

32 (c) Subject to ORS 460.005 to 460.175, after consultation with the Electrical and Elevator Board,  
33 the department for purposes of licenses issued under ORS 460.005 to 460.175.

34 (d) Subject to ORS 479.510 to 479.945, the Electrical and Elevator Board for purposes of licenses  
35 issued under ORS 479.510 to 479.945.

36 (e) Subject to ORS 480.510 to 480.670, the Board of Boiler Rules for purposes of licenses issued  
37 under ORS 480.510 to 480.670.

38 (3) This section does not authorize the adoption of rules regulating:

39 (a) Building officials, inspectors, plan reviewers or municipalities;

40 (b) Persons engaged in the manufacture, conversion or repair of prefabricated structures[,] **or**  
41 prefabricated components[ *or recreational vehicles*]; or

42 (c) Master builders certified under ORS 455.800 to 455.820.

43 **SECTION 7.** ORS 455.312 is amended to read:

44 455.312. (1) [*For a residential prefabricated*] **Except as provided in subsection (2) of this sec-**  
45 **tion, if the manufacturer intends a structure manufactured in this state [*and intended*] to be for**

1 delivery in another state, the Director of the Department of Consumer and Business Services may  
2 not require that:

3 (a) The [*prefabricated*] structure conform to the state building code.

4 (b) An inspector provide plan approvals and inspections pursuant to ORS 455.715 to 455.740.

5 (c) A person licensed under ORS 479.630, 693.060 or 693.103 perform electrical or plumbing in-  
6 stallations in the [*prefabricated*] structure.

7 [(2) *Nothing in subsection (1) of this section exempts a person that is renting, leasing, selling, ex-  
8 changing, installing or offering for rent, lease, sale, exchange or installation a residential prefabricated  
9 structure from meeting the insignia of compliance or certification stamp requirements prescribed under  
10 ORS 455.705 if the prefabricated structure is delivered in or relocated to this state.*]

11 **(2) If a structure described in subsection (1) of this section is delivered in or relocated  
12 to this state, the structure shall cease to qualify for the exemption described in subsection  
13 (1) of this section. A person renting, leasing, selling, exchanging or installing the structure,  
14 or offering the structure for rent, lease, sale, exchange or installation, shall:**

15 **(a) Ensure that the structure is in conformance with the state building code;**

16 **(b) Ensure compliance with plan review and inspection requirements for the structure  
17 as determined by the building official; and**

18 **(c) Ensure that the structure is in compliance with applicable licensing laws.**

19 **(3) Subsection (1) of this section does not apply to a manufactured dwelling that is sub-  
20 ject to ORS 446.155 to 446.200, or upon which additions, conversions or alterations of instal-  
21 lations of equipment or material are made.**

22 **SECTION 8.** ORS 455.705 is amended to read:

23 455.705. (1) A manufacturer of prefabricated structures or manufacturer of prefabricated struc-  
24 ture components may not contract with a municipality or a person to perform prefabricated struc-  
25 ture plan approvals or inspections unless the person providing the plan approvals or inspections is  
26 certified or approved under subsection (2) of this section or is providing plan approvals or in-  
27 spections for a [*residential*] prefabricated structure that is [*intended for delivery in another state*]  
28 **exempt under ORS 455.312 (1).**

29 (2)(a) A person may not engage in [*prefabricated structure*] plan approvals or inspections **for a  
30 structure** without being certified under ORS 455.715 to 455.740 or 479.810 unless the person is  
31 providing plan approvals or inspections for a [*residential prefabricated structure that is intended for  
32 delivery in another state*] **structure that is exempt under ORS 455.312 (1).**

33 **(b) Except as provided in this paragraph,** a person may not engage in the business of pro-  
34 viding [*prefabricated structure*] plan approvals or inspections **for a structure** without an approval  
35 issued by the Department of Consumer and Business Services. **This paragraph does not apply to  
36 plan approval or inspection of a structure that is exempt under ORS 455.312 (1).**

37 (3) In accordance with any applicable provisions of ORS chapter 183, the Director of the De-  
38 partment of Consumer and Business Services shall establish by rule a system for approval and reg-  
39 ulation of businesses and persons who perform prefabricated structure plan approvals or inspections.  
40 **This subsection does not authorize the director to require or regulate plan approval or in-  
41 spection of a prefabricated structure that is exempt under ORS 455.312 (1).** The system shall  
42 include but not be limited to the following provisions:

43 (a) Prescribing the form and content of and the times and procedures for submitting an appli-  
44 cation for the issuance or renewal of an approval.

45 (b) Prescribing the term of the approval and the fee for the original issue and renewal in an



1 amount that does not exceed the cost of administering the approval system. The charge for review  
 2 and approval of a third party inspection service shall not exceed, for the original issue, \$400 and for  
 3 the renewal, \$200.

4 (c) Prescribing the conditions for initial issuance, renewal and maintenance of the approval for  
 5 a person certified under ORS 455.715 to 455.740 or 479.810, including but not limited to the following  
 6 provisions:

7 (A) Procedures and reports for plan approvals and inspections;

8 (B) Ethical practices and prohibitions of conflicts of interests with manufacturers of prefabri-  
 9 cated structures and manufacturers and suppliers of parts and services;

10 (C) Insurance compliance requirements;

11 (D) Procedures for use and application of insignia of compliance; and

12 (E) Fees for and procedures for use and application of certification stamps.

13 (d) Prescribing other actions or circumstances that constitute failure to achieve or maintain  
 14 approval competency or that otherwise constitute a danger to the public health or safety and for  
 15 which the director may refuse to issue or renew or may suspend or revoke a certification, permit  
 16 or certificate.

17 (e) Prescribing the authority of the department to perform oversight monitoring including but  
 18 not limited to:

19 (A) Right of entry and access to third party records and information;

20 (B) Frequency, type and extent of the oversight monitoring and inspection of third party agen-  
 21 cies and manufacturing facilities; and

22 (C) Frequency and description of information to be submitted as part of the monitoring process.

23 (f) Prescribing fees for monitoring conducted by the department at the manufacturing plant site  
 24 or at third party inspection service locations, which fees shall not exceed \$60 per hour.

25 (4)(a) The department shall establish by rule a manufacturer compliance program to allow for  
 26 plan approvals or inspections of prefabricated structures or prefabricated structure components at  
 27 the facility at which the prefabrication takes place, including but not limited to the following pro-  
 28 visions:

29 (A) Quality assurance programs;

30 (B) Procedures for use and application of insignia of compliance; and

31 (C) Fees for and procedures for use and application of certification stamps.

32 (b) A manufacturer of prefabricated structures shall provide the department with written notice  
 33 at least 60 days before a manufacturer may provide for plan approval or inspection service as al-  
 34 lowed under subsection (2) of this section.

35 (c) The department is not required to provide plan approval for or inspection of any prefabri-  
 36 cated structure or prefabricated structure components unless the department has been notified in  
 37 writing by the manufacturer of the prefabricated structure 180 days in advance of the proposed as-  
 38 sumption of department inspections.

39 (5) A person may not rent, lease, sell, exchange, install or offer for rent, lease, sale, exchange  
 40 or installation within this state a prefabricated structure constructed on or after July 1, 1991, unless  
 41 it bears an insignia of compliance or certification stamp issued by the department or a third party  
 42 indicating compliance with this state's building regulations and standards for prefabricated struc-  
 43 tures. The prohibition in this subsection does not apply to a [*residential*] prefabricated structure  
 44 [*intended for delivery in another state unless the residential prefabricated structure is installed or of-*  
 45 *fered for installation in this state*] **described in ORS 455.312 (1) or (2)**. A prefabricated structure

1 with an insignia of compliance or certification stamp shall be acceptable to municipalities as meet-  
2 ing the state building code regulations. Prefabricated structures constructed prior to July 1, 1991,  
3 are subject to the building code regulations in effect at the time of original construction.

4 (6) The provisions of this section do not apply to employees of the Department of Consumer and  
5 Business Services and testing laboratories approved under ORS chapters 447 and 479.

6 (7) For purposes of this section, “insignia of compliance” means the plate affixed to a structure  
7 by the Department of Consumer and Business Services or a third party to signify compliance with  
8 all state building code requirements for which the structure was inspected.

9 (8) Prefabricated structures or components found by the department or a third party to repre-  
10 sent a danger to public health or safety shall be brought into compliance with building code regu-  
11 lations or removed from the state.

12 (9) All plan approvals and inspections of prefabricated structures and prefabricated components  
13 constructed at manufacturing plants outside of Oregon but intended for delivery into Oregon shall  
14 be performed by the department or conducted under ORS 455.430.

15 **SECTION 9.** ORS 479.540 is amended to read:

16 479.540. (1) Except as otherwise provided in this subsection, a person is not required to obtain  
17 a license to make an electrical installation on residential or farm property that is owned by the  
18 person or a member of the person’s immediate family if the property is not intended for sale, ex-  
19 change, lease or rent. The following apply to the exemption established in this subsection:

20 (a) The exemption established for a person under this subsection does not exempt the work  
21 performed by the person from having to comply with the requirements for such work under ORS  
22 chapter 455 or this chapter and rules adopted thereunder.

23 (b) If the property is a building used as a residence and is for rent, lease, sale or exchange, this  
24 subsection establishes an exemption for work on, alterations to or replacement of parts of electrical  
25 installations as necessary for maintenance of the existing electrical installations on that property,  
26 but does not exempt new electrical installations or substantial alterations to existing electrical in-  
27 stallations on that property. As used in this paragraph, “new electrical installations or substantial  
28 alterations” does not include the replacement of an existing garbage disposal, dishwasher or electric  
29 hot water heater with a similar appliance of 30 amps or less, single phase, by a landlord, landlord’s  
30 agent or the employee of the landlord or landlord’s agent.

31 (2) An electrical contractor license is not required in connection with an electrical installation:

32 (a) Of meters and similar devices for measuring electricity by a person principally engaged in  
33 the business of generating or selling electricity in connection with the construction or maintenance  
34 of electrical lines, wires or equipment.

35 (b) Of ignition or lighting systems for motor vehicles.

36 (c) To be made by a person on the person’s property in connection with the person’s business.

37 (d) To be made by a public utility, consumer-owned utility as defined in ORS 757.270, telecom-  
38 munications carrier as defined in ORS 133.721, competitive telecommunications provider as defined  
39 in ORS 759.005 or municipality for generation, transmission or distribution of electricity on property  
40 that the utility, carrier, provider or municipality owns or manages.

41 (3) A person whose sole business is generating or selling electricity in connection with the  
42 construction or maintenance of electrical lines, wires or equipment, is not required to obtain a li-  
43 cense to transform, transmit or distribute electricity from its source to the service head of the  
44 premises to be supplied thereby.

45 (4)(a) A person is not required to obtain a license for the repair or replacement of light fixtures,

1 light switches, lighting ballast, electrical outlets or smoke alarms in a building used for housing  
2 purposes that is owned, leased, managed or operated by a housing authority and the person doing  
3 the repair or replacement is a member of the housing authority's regular maintenance staff.

4 (b) A license is not required for:

5 (A) Temporary demonstrations;

6 (B) A street lighting system located on a public street or in a right of way if the system is  
7 similar to a system provided by a public utility and the installation or maintenance, or both, is  
8 performed by a qualified employee of a licensed electrical contractor principally engaged in the  
9 business of installing and maintaining such systems; or

10 (C) An outdoor transmission or distribution system, whether overhead or underground, if the  
11 system is similar to a system provided by a public utility and the installation or maintenance, or  
12 both, is performed by a qualified employee of a licensed electrical contractor principally engaged in  
13 the business of installing and maintaining such systems.

14 (c) For the purposes of this subsection, "qualified employee" means an employee who has regis-  
15 tered with or graduated from a State of Oregon or federally approved apprenticeship course de-  
16 signed for the work being performed. The supervising electrician signature required under ORS  
17 479.560 (1)(b) does not apply to contractors working under this subsection.

18 (5) The provisions of ORS 479.510 to 479.945 and 479.995 do not apply:

19 (a) To electrical products owned by, supplied to or to be supplied to a public utility as defined  
20 in ORS 757.005, consumer-owned utility as defined in ORS 757.270, telecommunications carrier as  
21 defined in ORS 133.721 or competitive telecommunications provider as defined in ORS 759.005;

22 (b) To electrical installations made by or for a public utility, consumer-owned utility, telecom-  
23 munications carrier or competitive telecommunications provider if the electrical installations are  
24 an integral part of the equipment or electrical products of the utility, carrier or provider; or

25 (c) To any electrical generation plant owned or operated by a municipality to the same extent  
26 that a utility, telecommunications carrier or competitive telecommunications provider is exempted  
27 under paragraphs (a) and (b) of this subsection.

28 (6) A permit is not required:

29 (a) For the repair or replacement of light fixtures, light switches, lighting ballast, electrical  
30 outlets or smoke alarms in a building used for housing purposes that is owned, leased, managed or  
31 operated by a housing authority; or

32 (b) For the repair, alteration or replacement of existing electrical products or electrical instal-  
33 lations authorized by ORS 479.560 (3) at an industrial plant, a commercial office building, a building  
34 that is owned, leased, managed or operated by the state or a local government entity or other fa-  
35 cilities designated by the Electrical and Elevator Board when the owner, operating manager or  
36 electrical contractor of the facility meets the provisions of ORS 479.630 (1) and (2) and:

37 (A) Obtains a master permit for inspection under ORS 479.560 (3); or

38 (B) Obtains a master individual inspection permit under ORS 479.565.

39 (7) In cases of emergency in industrial plants, a permit is not required in advance for electrical  
40 installation made by a person licensed as a general supervising electrician, a general journeyman  
41 electrician or an electrical apprentice under ORS 479.630 if an application accompanied by appro-  
42 priate fee for a permit is submitted to the Department of Consumer and Business Services within  
43 five days after the commencement of such electrical work.

44 (8)(a) A license or permit is not required for the installation or assembly of industrial electrical  
45 equipment by the duly authorized agents of the factory, vendor or owner.

1 (b) The license and permit exemptions of this subsection do not apply to activity in an area  
2 where industrial electrical equipment is installed in or enters a hazardous location or penetrates  
3 or enters a fire rated assembly or plenum rated assembly.

4 (c) As used in this subsection:

5 (A) "Duly authorized agents" means individuals trained by the factory or a vendor or by expe-  
6 rience and who are knowledgeable in the operation, maintenance, repair and installation of indus-  
7 trial electrical equipment.

8 (B) "Installation or assembly" means the reassembly at a job site of equipment that is wired and  
9 assembled at the factory and then disassembled for shipping purposes or of existing equipment that  
10 is relocated. "Installation or assembly" does not include work involving field fabricated assemblies  
11 or any other electrical product that is not an original part of the industrial electrical equipment.  
12 "Installation or assembly" does not include the connection of industrial electrical equipment to a  
13 power source.

14 (9) The provisions of ORS 479.510 to 479.945 and 479.995 do not apply to:

15 (a) Electrical installations and repairs involving communication and signal systems of railroad  
16 companies.

17 (b) Electrical installations and repairs involving remote and permanent broadcast systems of  
18 radio and television stations licensed by the Federal Communications Commission if the systems are  
19 not part of the building's permanent wiring.

20 (c) The installing, maintaining, repairing or replacement of telecommunications systems on the  
21 provider side of the demarcation point by a telecommunications service provider.

22 (d) The maintaining, repairing or replacement of telecommunications equipment on the customer  
23 side of the demarcation point by a telecommunications service provider.

24 (e) Installations, by a telecommunications service provider or an appropriately licensed elec-  
25 trical contractor, of telecommunications systems on the customer side of the demarcation point ex-  
26 cept:

27 (A) Installations involving more than 10 telecommunications outlets; and

28 (B) Installations of any size that penetrate fire-resistive construction or air handling systems or  
29 that pass through hazardous locations.

30 (f) Notwithstanding paragraph (e) of this subsection, installation of telecommunications systems  
31 on the customer side of the demarcation point in:

32 (A) One and two family dwellings; and

33 (B) Multifamily dwellings having not more than four dwelling units if the installation is by a  
34 telecommunications service provider.

35 (g) Notwithstanding paragraph (e) of this subsection, installation or replacement of cord or plug  
36 connected telecommunications equipment on the customer side of the demarcation point.

37 (h) Notwithstanding paragraph (e) of this subsection, installation of patch cord and jumper  
38 cross-connected equipment on the customer side of the demarcation point.

39 (10)(a) The board may grant partial or complete exemptions by rule for any electrical product  
40 from any of the provisions of ORS 455.610 to 455.630 or 479.510 to 479.945 and 479.995 if the board  
41 determines that the electrical product does not present a danger to the health and safety of the  
42 people of this state.

43 (b) If the board grants an exemption pursuant to subsection (1) of this section, the board may  
44 determine that the product may be installed by a person not licensed under ORS 479.510 to 479.945.

45 (11) ORS 479.760 does not apply to products described in this subsection that comply with the

1 electrical product safety standards established by concurrence of the board and the Director of the  
2 Department of Consumer and Business Services as described under ORS 479.730. This subsection  
3 does not exempt any products used in locations determined to be hazardous in the electrical code  
4 of this state. The following apply to this subsection:

5 (a) Except as provided in paragraph (b) of this subsection, the exemption under this subsection  
6 applies to:

7 (A) The rotating equipment portion of power generation equipment.

8 (B) Testing equipment used in a laboratory or hospital.

9 (C) Commercial electrical air conditioning equipment.

10 (D) Prefabricated work performed by an electrical contractor with licensed electrical personnel  
11 in the contractor's place of business for assembly on the job site if the work is composed of parts  
12 that meet the electrical product safety standards established by concurrence of the board and the  
13 director.

14 (b) Notwithstanding paragraph (a) of this subsection, the board may require any of the products  
15 described in paragraph (a) of this subsection to be subject to the certification requirements under  
16 ORS 479.760 if the board determines that the product or class of products has presented a fire or  
17 life safety hazard in use. A determination under this paragraph shall be effective as to any such  
18 product or class of products installed after the date of the determination becomes final. The board  
19 may reinstate any exemption removed under this paragraph if the board determines that the reasons  
20 for the removal of the exemption have been corrected.

21 (12)(a) ORS 479.610 does not apply to installations of industrial electrical equipment unless the  
22 board determines that the product or class of products may present a fire or life safety hazard.

23 (b) The board may reinstate an exemption removed under this subsection if the product qualifies  
24 for reinstatement under:

25 (A) An equipment safety program approved by the board;

26 (B) Equipment minimum safety standards established by concurrence of the board and the di-  
27 rector;

28 (C) An evaluation by an approved field evaluation firm;

29 (D) A listing from a nationally recognized testing laboratory;

30 (E) An evaluation of a first model of a product by the board; or

31 (F) Any other method approved by the board.

32 (13) ORS 479.760 does not apply to electrical equipment that has been installed and in use for  
33 one year or more.

34 (14) A person who holds a limited maintenance specialty contractor license or a limited pump  
35 installation specialty contractor license issued under ORS 479.510 to 479.945 or a person who is the  
36 employee of such license holder and who is listed with the board as an employee is not required to  
37 have a journeyman license or supervising electrician's license to perform work authorized under the  
38 person's license.

39 (15) A person is not required to obtain a permit for work on, alterations to or replacement of  
40 parts of electrical installations as necessary for maintenance of existing electrical installations on  
41 residential property owned by the person or by a member of the person's immediate family. This  
42 subsection does not establish an exemption for new electrical installations or substantial alterations  
43 to existing electrical installations.

44 (16) A permit is not required for those minor electrical installations for which the board has  
45 authorized an installation label.

1 (17) A residential home, as defined in ORS 443.580, and an adult foster home, as defined in ORS  
2 443.705, is not a multifamily dwelling and only electrical installation standards and safety require-  
3 ments applicable to single family dwellings apply to such homes.

4 (18) The permit requirements of ORS 479.550 and the license requirements of ORS 479.620 do  
5 not apply to cable television installations.

6 (19) The provisions of any electrical products code or rule adopted pursuant to ORS 479.510 to  
7 479.945 and 479.995 apply to cable and such products installed as part of a cable television instal-  
8 lation.

9 (20) A person is not required to obtain a license to make an electrical installation in a [*prefab-*  
10 *ricated structure, as defined in ORS 455.010, that is designed for residential use and intended for de-*  
11 *livery in another state*] **structure that is exempt under ORS 455.312 (1).**

12 (21) A person is not required to obtain a license to make electrical installations, repairs or re-  
13 placements in a recreational vehicle as defined by the board by rule.

14 (22) As used in this section, "smoke alarm" has the meaning given that term under ORS 479.250.

15 **SECTION 10.** ORS 693.020 is amended to read:

16 693.020. (1) Except as provided in subsection (2) of this section, this chapter does not apply to:

17 (a) A person working on a building or premises owned by the person, regardless of whether the  
18 person holds a license under this chapter, if the person complies with all the rules adopted under  
19 this chapter and ORS 447.010 to 447.156 and ORS chapter 455.

20 (b) A person testing, repairing, servicing, maintaining, installing or replacing new or existing  
21 potable water pump equipment not exceeding seven and one-half horsepower on residential property  
22 and piping between the pumps and storage tanks for the pumps, regardless of whether the person  
23 holds any license under this chapter.

24 (c) A person installing exterior storm drains that are not connected to a sanitary sewer or  
25 combination sanitary storm sewer.

26 (d) An employee or contractor of a utility, energy service provider or water supplier who is in-  
27 stallating an approved low-flow showerhead or faucet aerator in existing plumbing fixtures. The de-  
28 vices installed under this paragraph are exempt from the certification, permit and inspection  
29 requirements of this chapter and ORS 447.010 to 447.156.

30 (e) A person who owns, leases or operates residential property and who repairs, or uses regular  
31 employees to repair, existing plumbing on property owned, leased or operated by the person, re-  
32 gardless of whether the person or employee holds a license under this chapter. As used in this  
33 paragraph:

34 (A) "Repair" means the act of replacing or putting together plumbing parts that restore the  
35 existing plumbing system to a safe and sanitary operating condition.

36 (B) "Regular employee" means a person who is subject to the provisions of ORS 316.162 to  
37 316.221 and who has completed a withholding exemptions certificate required by the provisions of  
38 ORS 316.162 to 316.221.

39 (f) A person installing plumbing in a [*prefabricated*] structure[, *as defined in ORS 455.010, that*  
40 *is designed for residential use and intended for delivery in another state*] **that is exempt under ORS**  
41 **455.312 (1).**

42 (g) A person making plumbing installations, repairs or replacements in a recreational vehicle  
43 as defined by the State Plumbing Board by rule.

44 (2) Subsection (1)(a) to (d) of this section does not allow a person other than a journeyman  
45 plumber or apprentice plumber to install, remodel or alter plumbing in a commercial or industrial

1 building being constructed or offered for sale, exchange, rent or lease. As used in this subsection,  
 2 “install, remodel or alter” means activities that involve installations or changes to the plumbing  
 3 inside a wall, floor, crawl space or ceiling, or a change in the configuration of a plumbing system.

4 (3) This section applies to any person, including but not limited to individuals, corporations,  
 5 associations, firms, partnerships, joint stock companies, public and municipal corporations, political  
 6 subdivisions, this state and any agencies thereof and the federal government and any agencies  
 7 thereof.

8 (4) Except as provided in subsection (1)(d) of this section, nothing in this section exempts a  
 9 person from the plumbing inspection requirements of ORS 447.010 to 447.156.

10  
 11 **DEFINITION OF RECREATIONAL VEHICLE**

12  
 13 **SECTION 11.** (1) As used in the statutes of this state, “recreational vehicle” has the  
 14 meaning given in subsection (2) of this section only if the statute using the term makes  
 15 specific reference to this section and indicates that the term “recreational vehicle” has the  
 16 meaning given in this section.

17 (2) “Recreational vehicle” means a vehicle with or without motive power, that is designed  
 18 for human occupancy and to be used temporarily for recreational, seasonal or emergency  
 19 purposes and as further defined by rule by the Director of Transportation.

20  
 21 **CONFORMING AMENDMENTS TO OREGON REVISED STATUTES**

22  
 23 **SECTION 12.** ORS 86A.203 is amended to read:

24 86A.203. (1) Except as provided in subsection (2) of this section, an individual may not engage  
 25 in business as a mortgage loan originator in this state without first:

26 (a) Obtaining and maintaining a mortgage loan originator’s license under ORS 86A.212 or re-  
 27 newing a mortgage loan originator’s license under ORS 86A.218; and

28 (b) Obtaining a unique identifier from the Nationwide Mortgage Licensing System and Registry.

29 (2) Subsection (1) of this section does not apply to:

30 (a) A registered mortgage loan originator who acts within the scope of the registered mortgage  
 31 loan originator’s employment;

32 (b) An individual who offers or negotiates terms of a residential mortgage loan with or on behalf  
 33 of the individual’s spouse, child, sibling, parent, grandparent, grandchild or a relative in a similar  
 34 relationship with the individual that is created by law, marriage or adoption;

35 (c) An individual who offers or negotiates terms of a residential mortgage loan that is secured  
 36 by a dwelling that served as the individual’s residence;

37 (d) An individual who, as a seller during any 12-month period, offers or negotiates terms for not  
 38 more than three residential mortgage loans that are secured by a dwelling unit that the individual  
 39 owns, or that a limited liability company of which the individual is a member owns, and that did  
 40 not serve as the individual’s residence, if:

41 (A) Membership in the limited liability company that owns the dwelling unit consists only of the  
 42 individual or of the individual and the individual’s spouse, children, siblings, parents, grandparents,  
 43 grandchildren or other relatives who are related to the individual by law, marriage or adoption;

44 (B) The individual or the limited liability company does not advertise that, or otherwise suggest  
 45 by statements or conduct that, the limited liability company engages in the business of making res-

1 identical mortgage loans;

2 (C) The individual complies with the provisions of subsection (3) of this section; and

3 (D) The individual does not engage in conduct that is prohibited under ORS 86A.224 or 86A.236;

4 (e) An attorney who is licensed or otherwise authorized to practice law in this state, if the at-  
 5 torney negotiates the terms of a residential mortgage loan in representing a client and does not  
 6 receive compensation from a mortgage banker, mortgage broker, mortgage loan originator or lender  
 7 or an agent of the mortgage banker, mortgage broker, mortgage loan originator or lender, except  
 8 that for the purposes of determining whether the attorney is exempt under this paragraph, the at-  
 9 torney does not receive compensation from a mortgage loan originator or lender if the attorney re-  
 10 ceives compensation from a client that would otherwise meet the definition of a mortgage loan  
 11 originator or lender but is exempt under paragraph (c), (d) or (f) of this subsection;

12 (f) An individual who is licensed as a manufactured structure dealer under ORS 446.691 and  
 13 who:

14 (A) Offers or negotiates terms of a residential mortgage loan related to a sale for occupancy of  
 15 a previously owned manufactured dwelling in a manufactured dwelling park three or fewer times in  
 16 any 12-month period; and

17 (B) Uses a written sale agreement form with the purchaser that complies with the requirements  
 18 of ORS 646A.050, 646A.052 and 646A.054, with any rules adopted under ORS 646A.050, 646A.052 and  
 19 646A.054 and with any other applicable requirements for residential mortgages for manufactured  
 20 dwellings; or

21 (g) An individual who is licensed as a limited manufactured structure dealer under ORS 446.706  
 22 and who:

23 (A) Has an ownership interest in a manufactured dwelling park;

24 (B) Offers or negotiates terms of a residential mortgage loan related to a sale for occupancy of  
 25 a previously owned manufactured dwelling in any manufactured dwelling park in which the indi-  
 26 vidual has an ownership interest, five or fewer times in any 12-month period; and

27 (C) Uses a written sale agreement form with the purchaser that complies with the requirements  
 28 of ORS 646A.050, 646A.052 and 646A.054, with any rules adopted under ORS 646A.050, 646A.052 and  
 29 646A.054 and with any other applicable requirements for residential mortgages for manufactured  
 30 dwellings.

31 (3) An individual who offers or negotiates terms for a residential mortgage loan, and who claims  
 32 an exemption under subsection (2)(c), (d) or (f) of this section from the requirements set forth in  
 33 subsection (1) of this section, may not at any time hold more than eight residential mortgage loans  
 34 without meeting the requirements set forth in subsection (1) of this section. For the purposes of a  
 35 determination under this subsection as to whether an individual who claims an exemption under  
 36 subsection (2)(d) of this section holds more or fewer than eight residential mortgage loans, the in-  
 37 dividual shall disclose to the Director of the Department of Consumer and Business Services all  
 38 loans that all limited liability companies of which the individual is a member hold in the aggregate.

39 (4) An individual who offers or negotiates terms for a residential mortgage loan, and who claims  
 40 an exemption under subsection (2)(g) of this section from the requirements set forth in subsection  
 41 (1) of this section, may not at any time hold more than 12 residential mortgage loans without  
 42 meeting the requirements set forth in subsection (1) of this section.

43 (5) The Director of the Department of Consumer and Business Services by rule may exempt an  
 44 individual from the requirement to obtain a mortgage loan originator's license under ORS 86A.200  
 45 to 86A.239 if the United States Consumer Financial Protection Bureau requires or permits the ex-



1 exemption under 12 U.S.C. 5101 et seq.

2 (6) Notwithstanding the exemption from licensing for an individual described in subsection (2)(f)  
3 or (g) of this section, subsection (1) of this section applies to the individual if the United States  
4 Consumer Financial Protection Bureau determines, in a guideline, rule, regulation or interpretive  
5 letter, that the exemption is inconsistent with requirements set forth in 12 U.S.C. 5101 et seq.

6 (7)(a) Except as provided in paragraph (b) of this subsection, an employee of a manufactured  
7 structure dealer licensed under ORS 446.691 is not subject to the provisions of ORS 86A.200 to  
8 86A.239 if the employee:

9 (A) Performs only administrative or clerical tasks; and

10 (B) Receives in connection with a sale or other transaction related to a manufactured  
11 structure[,] as defined in ORS 446.003, **or a recreational vehicle described in ORS 446.561**, only  
12 a salary or commission that is customary among dealers and employees of dealers.

13 (b) An employee of a dealer is subject to the provisions of ORS 86A.200 to 86A.239 if the United  
14 States Consumer Financial Protection Bureau determines, in a guideline, rule, regulation or inter-  
15 preitive letter, that the exemption granted in paragraph (a) of this subsection is inconsistent with  
16 requirements set forth in 12 U.S.C. 5101 et seq.

17 **SECTION 13.** ORS 90.100 is amended to read:

18 90.100. As used in this chapter, unless the context otherwise requires:

19 (1) "Accessory building or structure" means any portable, demountable or permanent structure,  
20 including but not limited to cabanas, ramadas, storage sheds, garages, awnings, carports, decks,  
21 steps, ramps, piers and pilings, that is:

22 (a) Owned and used solely by a tenant of a manufactured dwelling or floating home; or

23 (b) Provided pursuant to a written rental agreement for the sole use of and maintenance by a  
24 tenant of a manufactured dwelling or floating home.

25 (2) "Action" includes recoupment, counterclaim, setoff, suit in equity and any other proceeding  
26 in which rights are determined, including an action for possession.

27 (3) "Applicant screening charge" means any payment of money required by a landlord of an  
28 applicant prior to entering into a rental agreement with that applicant for a residential dwelling  
29 unit, the purpose of which is to pay the cost of processing an application for a rental agreement for  
30 a residential dwelling unit.

31 (4) "Building and housing codes" includes any law, ordinance or governmental regulation con-  
32 cerning fitness for habitation, or the construction, maintenance, operation, occupancy, use or ap-  
33 pearance of any premises or dwelling unit.

34 (5) "Carbon monoxide alarm" has the meaning given that term in ORS 105.836.

35 (6) "Carbon monoxide source" has the meaning given that term in ORS 105.836.

36 (7) "Conduct" means the commission of an act or the failure to act.

37 (8) "DBH" means the diameter at breast height, which is measured as the width of a standing  
38 tree at four and one-half feet above the ground on the uphill side.

39 (9) "Dealer" means any person in the business of selling, leasing or distributing new or used  
40 manufactured dwellings or floating homes to persons who purchase or lease a manufactured dwelling  
41 or floating home for use as a residence.

42 (10) "Domestic violence" means:

43 (a) Abuse between family or household members, as those terms are defined in ORS 107.705; or

44 (b) Abuse, as defined in ORS 107.705, between partners in a dating relationship.

45 (11) "Drug and alcohol free housing" means a dwelling unit described in ORS 90.243.

1 (12) "Dwelling unit" means a structure or the part of a structure that is used as a home, resi-  
2 dence or sleeping place by one person who maintains a household or by two or more persons who  
3 maintain a common household. "Dwelling unit" regarding a person who rents a space for a manu-  
4 factured dwelling or recreational vehicle or regarding a person who rents moorage space for a  
5 floating home as defined in ORS 830.700, but does not rent the home, means the space rented and  
6 not the manufactured dwelling, recreational vehicle or floating home itself.

7 (13) "Essential service" means:

8 (a) For a tenancy not consisting of rental space for a manufactured dwelling, floating home or  
9 recreational vehicle owned by the tenant and not otherwise subject to ORS 90.505 to 90.850:

10 (A) Heat, plumbing, hot and cold running water, gas, electricity, light fixtures, locks for exterior  
11 doors, latches for windows and any cooking appliance or refrigerator supplied or required to be  
12 supplied by the landlord; and

13 (B) Any other service or habitability obligation imposed by the rental agreement or ORS 90.320,  
14 the lack or violation of which creates a serious threat to the tenant's health, safety or property or  
15 makes the dwelling unit unfit for occupancy.

16 (b) For a tenancy consisting of rental space for a manufactured dwelling, floating home or rec-  
17 reational vehicle owned by the tenant or that is otherwise subject to ORS 90.505 to 90.850:

18 (A) Sewage disposal, water supply, electrical supply and, if required by applicable law, any  
19 drainage system; and

20 (B) Any other service or habitability obligation imposed by the rental agreement or ORS 90.730,  
21 the lack or violation of which creates a serious threat to the tenant's health, safety or property or  
22 makes the rented space unfit for occupancy.

23 (14) "Facility" means a manufactured dwelling park or a marina.

24 (15) "Fee" means a nonrefundable payment of money.

25 (16) "First class mail" does not include certified or registered mail, or any other form of mail  
26 that may delay or hinder actual delivery of mail to the recipient.

27 (17) "Fixed term tenancy" means a tenancy that has a fixed term of existence, continuing to a  
28 specific ending date and terminating on that date without requiring further notice to effect the ter-  
29 mination.

30 (18) "Floating home" has the meaning given that term in ORS 830.700. "Floating home" includes  
31 an accessory building or structure.

32 (19) "Good faith" means honesty in fact in the conduct of the transaction concerned.

33 (20) "Hazard tree" means a tree that:

34 (a) Is located on a rented space in a manufactured dwelling park;

35 (b) Measures at least eight inches DBH; and

36 (c) Is considered, by an arborist licensed as a landscape construction professional pursuant to  
37 ORS 671.560 and certified by the International Society of Arboriculture, to pose an unreasonable  
38 risk of causing serious physical harm or damage to individuals or property in the near future.

39 (21) "Hotel or motel" means "hotel" as that term is defined in ORS 699.005.

40 (22) "Informal dispute resolution" means, but is not limited to, consultation between the landlord  
41 or landlord's agent and one or more tenants, or mediation utilizing the services of a third party.

42 (23) "Landlord" means the owner, lessor or sublessor of the dwelling unit or the building or  
43 premises of which it is a part. "Landlord" includes a person who is authorized by the owner, lessor  
44 or sublessor to manage the premises or to enter into a rental agreement.

45 (24) "Landlord's agent" means a person who has oral or written authority, either express or

1 implied, to act for or on behalf of a landlord.

2 (25) “Last month’s rent deposit” means a type of security deposit, however designated, the pri-  
3 mary function of which is to secure the payment of rent for the last month of the tenancy.

4 (26) “Manufactured dwelling” means a residential trailer, a mobile home or a manufactured  
5 home as those terms are defined in ORS 446.003. “Manufactured dwelling” includes an accessory  
6 building or structure. [*Manufactured dwelling* does not include a recreational vehicle.]

7 (27) “Manufactured dwelling park” means a place where four or more manufactured dwellings  
8 are located, the primary purpose of which is to rent space or keep space for rent to any person for  
9 a charge or fee.

10 (28) “Marina” means a moorage of contiguous dwelling units that may be legally transferred as  
11 a single unit and are owned by one person where four or more floating homes are secured, the pri-  
12 mary purpose of which is to rent space or keep space for rent to any person for a charge or fee.

13 (29) “Marina purchase association” means a group of three or more tenants who reside in a  
14 marina and have organized for the purpose of eventual purchase of the marina.

15 (30) “Month-to-month tenancy” means a tenancy that automatically renews and continues for  
16 successive monthly periods on the same terms and conditions originally agreed to, or as revised by  
17 the parties, until terminated by one or both of the parties.

18 (31) “Organization” includes a corporation, government, governmental subdivision or agency,  
19 business trust, estate, trust, partnership or association, two or more persons having a joint or com-  
20 mon interest, and any other legal or commercial entity.

21 (32) “Owner” includes a mortgagee in possession and means one or more persons, jointly or se-  
22 verally, in whom is vested:

23 (a) All or part of the legal title to property; or

24 (b) All or part of the beneficial ownership and a right to present use and enjoyment of the  
25 premises.

26 (33) “Person” includes an individual or organization.

27 (34) “Premises” means:

28 (a) A dwelling unit and the structure of which it is a part and facilities and appurtenances  
29 therein;

30 (b) Grounds, areas and facilities held out for the use of tenants generally or the use of which  
31 is promised to the tenant; and

32 (c) A facility for manufactured dwellings or floating homes.

33 (35) “Prepaid rent” means any payment of money to the landlord for a rent obligation not yet  
34 due. In addition, “prepaid rent” means rent paid for a period extending beyond a termination date.

35 (36) “Recreational vehicle” has the meaning given that term in [ORS 446.003] **section 11 of this**  
36 **2019 Act.**

37 (37) “Rent” means any payment to be made to the landlord under the rental agreement, periodic  
38 or otherwise, in exchange for the right of a tenant and any permitted pet to occupy a dwelling unit  
39 to the exclusion of others and to use the premises. “Rent” does not include security deposits, fees  
40 or utility or service charges as described in ORS 90.315 (4) and 90.532.

41 (38) “Rental agreement” means all agreements, written or oral, and valid rules and regulations  
42 adopted under ORS 90.262 or 90.510 (6) embodying the terms and conditions concerning the use and  
43 occupancy of a dwelling unit and premises. “Rental agreement” includes a lease. A rental agreement  
44 shall be either a week-to-week tenancy, month-to-month tenancy or fixed term tenancy.

45 (39) “Roomer” means a person occupying a dwelling unit that does not include a toilet and ei-

1 ther a bathtub or a shower and a refrigerator, stove and kitchen, all provided by the landlord, and  
2 where one or more of these facilities are used in common by occupants in the structure.

3 (40) "Screening or admission criteria" means a written statement of any factors a landlord  
4 considers in deciding whether to accept or reject an applicant and any qualifications required for  
5 acceptance. "Screening or admission criteria" includes, but is not limited to, the rental history,  
6 character references, public records, criminal records, credit reports, credit references and incomes  
7 or resources of the applicant.

8 (41) "Security deposit" means a refundable payment or deposit of money, however designated,  
9 the primary function of which is to secure the performance of a rental agreement or any part of a  
10 rental agreement. "Security deposit" does not include a fee.

11 (42) "Sexual assault" has the meaning given that term in ORS 147.450.

12 (43) "Squatter" means a person occupying a dwelling unit who is not so entitled under a rental  
13 agreement or who is not authorized by the tenant to occupy that dwelling unit. "Squatter" does  
14 not include a tenant who holds over as described in ORS 90.427 (7).

15 (44) "Stalking" means the behavior described in ORS 163.732.

16 (45) "Statement of policy" means the summary explanation of information and facility policies  
17 to be provided to prospective and existing tenants under ORS 90.510.

18 (46) "Surrender" means an agreement, express or implied, as described in ORS 90.148 between  
19 a landlord and tenant to terminate a rental agreement that gave the tenant the right to occupy a  
20 dwelling unit.

21 (47) "Tenant":

22 (a) Except as provided in paragraph (b) of this subsection:

23 (A) Means a person, including a roomer, entitled under a rental agreement to occupy a dwelling  
24 unit to the exclusion of others, including a dwelling unit owned, operated or controlled by a public  
25 housing authority.

26 (B) Means a minor, as defined and provided for in ORS 109.697.

27 (b) For purposes of ORS 90.505 to 90.850, means only a person who owns and occupies as a  
28 residence a manufactured dwelling or a floating home in a facility and persons residing with that  
29 tenant under the terms of the rental agreement.

30 (c) Does not mean a guest or temporary occupant.

31 (48) "Transient lodging" means a room or a suite of rooms.

32 (49) "Transient occupancy" means occupancy in transient lodging that has all of the following  
33 characteristics:

34 (a) Occupancy is charged on a daily basis and is not collected more than six days in advance;

35 (b) The lodging operator provides maid and linen service daily or every two days as part of the  
36 regularly charged cost of occupancy; and

37 (c) The period of occupancy does not exceed 30 days.

38 (50) "Vacation occupancy" means occupancy in a dwelling unit, not including transient occu-  
39 pancy in a hotel or motel, that has all of the following characteristics:

40 (a) The occupant rents the unit for vacation purposes only, not as a principal residence;

41 (b) The occupant has a principal residence other than at the unit; and

42 (c) The period of authorized occupancy does not exceed 45 days.

43 (51) "Victim" means:

44 (a) The person against whom an incident related to domestic violence, sexual assault or stalking  
45 is perpetrated; or

1 (b) The parent or guardian of a minor household member against whom an incident related to  
 2 domestic violence, sexual assault or stalking is perpetrated, unless the parent or guardian is the  
 3 perpetrator.

4 (52) “Week-to-week tenancy” means a tenancy that has all of the following characteristics:

5 (a) Occupancy is charged on a weekly basis and is payable no less frequently than every seven  
 6 days;

7 (b) There is a written rental agreement that defines the landlord’s and the tenant’s rights and  
 8 responsibilities under this chapter; and

9 (c) There are no fees or security deposits, although the landlord may require the payment of an  
 10 applicant screening charge, as provided in ORS 90.295.

11 **SECTION 14.** ORS 197.492 is amended to read:

12 197.492. As used in this section and ORS 197.493:

13 (1) “Manufactured dwelling park[,]” **and** “mobile home park” [*and “recreational vehicle”*] have  
 14 the [*meaning*] **meanings** given those terms in ORS 446.003.

15 **(2) “Recreational vehicle” has the meaning given that term in section 11 of this 2019 Act.**

16 [(2)] **(3) “Recreational vehicle park”:**

17 (a) Means a place where two or more recreational vehicles are located within 500 feet of one  
 18 another on a lot, tract or parcel of land under common ownership and having as its primary purpose:

19 (A) The renting of space and related facilities for a charge or fee; or

20 (B) The provision of space for free in connection with securing the patronage of a person.

21 (b) Does not mean:

22 (A) An area designated only for picnicking or overnight camping; or

23 (B) A manufactured dwelling park or mobile home park.

24 **SECTION 15.** ORS 215.213, as amended by section 1, chapter 119, Oregon Laws 2018, is  
 25 amended to read:

26 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
 27 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

34 (A) ORS 215.275; or

35 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
 36 469.300.

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

1 shall operate as a partition of the homesite to create a new parcel.

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

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

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

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

15 (i) One manufactured dwelling [*or recreational vehicle*], **or one recreational vehicle described**  
16 **in ORS 446.561**, or the temporary residential use of an existing building, in conjunction with an  
17 existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or  
18 a relative of the resident. Within three months of the end of the hardship, the manufactured dwelling  
19 or recreational vehicle shall be removed or demolished or, in the case of an existing building, the  
20 building shall be removed, demolished or returned to an allowed nonresidential use. The governing  
21 body or its designee shall provide for periodic review of the hardship claimed under this paragraph.  
22 A temporary residence approved under this paragraph is not eligible for replacement under para-  
23 graph (q) of this subsection.

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

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

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

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

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

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

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

39 (q) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, restoration or replacement  
40 of a lawfully established dwelling.

41 (r) Farm stands if:

42 (A) The structures are designed and used for the sale of farm crops or livestock grown on the  
43 farm operation, or grown on the farm operation and other farm operations in the local agricultural  
44 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm  
45 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-

1 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;  
2 and

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

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

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

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

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

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

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

36 (A) A public right of way;

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

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

40 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-  
41 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with  
42 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application  
43 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of  
44 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-  
45 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this

1 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application  
2 of biosolids is limited to treatment using treatment facilities that are portable, temporary and  
3 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land  
4 application of biosolids is authorized under the license, permit or other approval.

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

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

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

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

12 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
13 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
14 215.296:

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

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

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

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

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

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

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

33 (d) Operations conducted for:

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

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

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

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

40 (e) Community centers owned by a governmental agency or a nonprofit community organization  
41 and operated primarily by and for residents of the local rural community, hunting and fishing pre-  
42 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the  
43 county governing body or its designee, a private campground may provide yurts for overnight  
44 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include  
45 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.



1 Upon request of a county governing body, the Land Conservation and Development Commission may  
2 provide by rule for an increase in the number of yurts allowed on all or a portion of the  
3 campgrounds in a county if the commission determines that the increase will comply with the stan-  
4 dards described in ORS 215.296 (1). A public park or campground may be established as provided  
5 under ORS 195.120. As used in this paragraph, “yurt” means a round, domed shelter of cloth or  
6 canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appli-  
7 ance.

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

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

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

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

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

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

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

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

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

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

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

45 (p) Construction of additional passing and travel lanes requiring the acquisition of right of way

1 but not resulting in the creation of new land parcels.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (i) Planned hours of operation;

33 (ii) Access, egress and parking;

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

36 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

22 **SECTION 16.** ORS 215.213, as amended by section 7, chapter 462, Oregon Laws 2013, section  
23 2, chapter 148, Oregon Laws 2017, section 4, chapter 253, Oregon Laws 2017, section 4, chapter 504,  
24 Oregon Laws 2017, and section 2, chapter 119, Oregon Laws 2018, is amended to read:

25 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
26 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

33 (A) ORS 215.275; or

34 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
35 469.300.

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

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

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

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

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

14 (i) One manufactured dwelling [*or recreational vehicle*], **or one recreational vehicle described**  
15 **in ORS 446.561**, or the temporary residential use of an existing building, in conjunction with an  
16 existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or  
17 a relative of the resident. Within three months of the end of the hardship, the manufactured dwelling  
18 or recreational vehicle shall be removed or demolished or, in the case of an existing building, the  
19 building shall be removed, demolished or returned to an allowed nonresidential use. The governing  
20 body or its designee shall provide for periodic review of the hardship claimed under this paragraph.  
21 A temporary residence approved under this paragraph is not eligible for replacement under para-  
22 graph (q) of this subsection.

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

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

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

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

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

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

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

38 (q) Alteration, restoration or replacement of a lawfully established dwelling that:

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

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

42 (C) Has interior wiring for interior lights;

43 (D) Has a heating system; and

44 (E) In the case of replacement:

45 (i) Is removed, demolished or converted to an allowable nonresidential use within three months

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

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

22 (r) Farm stands if:

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

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

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

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



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

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

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

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

17 (A) A public right of way;

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

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

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

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

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

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

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

38 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
39 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
40 215.296:

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

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

45 (B) Is not smaller than the average farm or woodlot in the county producing at least \$2,500 in

1 annual gross income from the crops, livestock or forest products to be raised on the farm operation  
2 or woodlot.

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

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

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

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

14 (d) Operations conducted for:

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

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

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

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

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

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

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

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

1 ject to any applicable rules of the Oregon Department of Aviation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (A) "Living history museum" means a facility designed to depict and interpret everyday life and  
45 culture of some specific historic period using authentic buildings, tools, equipment and people to

1 simulate past activities and events; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,  
17 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (i) Planned hours of operation;

14 (ii) Access, egress and parking;

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

17 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

44 (D) Must comply with ORS 215.296;

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

1 authorized in the area, materially alter the stability of 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 that are authorized during  
4 each calendar year, including the number and duration of the agri-tourism or other commercial  
5 events and activities, the anticipated daily attendance and the hours of operation;

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

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

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

12 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

44 (c) The authorizations provided by subsection (11) of this section are in addition to other au-  
45 thorizations that may be provided by law, except that "outdoor mass gathering" and "other gather-

1 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial  
2 events and activities.

3 **SECTION 17.** ORS 215.283, as amended by section 3, chapter 119, Oregon Laws 2018, is  
4 amended to read:

5 215.283. (1) The following uses may be established in any area zoned for 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 treatment systems but  
9 not including commercial facilities for the purpose of generating electrical power for public use by  
10 sale or transmission towers over 200 feet in height. A utility facility necessary for public service  
11 may be established as provided in:

12 (A) ORS 215.275; or

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

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

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

27 (f) Operations for the exploration for and production of geothermal resources as defined by ORS  
28 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
29 compressors, separators and other customary production equipment for an individual well adjacent  
30 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
31 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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



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

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

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

5 (o) Farm stands if:

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

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

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

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

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

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

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

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

44 (A) A public right of way;

45 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-

1 jacent property owners has been obtained; or

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

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

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

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

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

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

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

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

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

27 (b) Operations conducted for:

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

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

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

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

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

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

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

9 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

39 (L) One manufactured dwelling [*or recreational vehicle*], **or one recreational vehicle described**  
40 **in ORS 446.561**, or the temporary residential use of an existing building, in conjunction with an  
41 existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or  
42 a relative of the resident. Within three months of the end of the hardship, the manufactured dwelling  
43 or recreational vehicle shall be removed or demolished or, in the case of an existing building, the  
44 building shall be removed, demolished or returned to an allowed nonresidential use. The governing  
45 body or its designee shall provide for periodic review of the hardship claimed under this paragraph.

1 A temporary residence approved under this paragraph is not eligible for replacement under sub-  
2 section (1)(p) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-  
45 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction

1 with the growing and marketing of nursery stock on the land that constitutes farm use.

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

4 (bb) Equine and equine-affiliated therapeutic and counseling activities, provided:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (i) Planned hours of operation;

38 (ii) Access, egress and parking;

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

41 (iv) Sanitation and solid waste.

42 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
43 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-  
44 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-  
45 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision

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

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

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

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

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

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

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

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

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

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

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

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

23 (D) Must comply with ORS 215.296;

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

26 (F) Must comply with conditions established for:

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

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

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

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

36 (v) Sanitation and solid waste.

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

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

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

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

1 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) of this section must re-  
4 quest review of the permit at four-year intervals. Upon receipt of a request for review, the county  
5 shall:

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

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

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

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

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

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

27 **SECTION 18.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, section  
28 4, chapter 148, Oregon Laws 2017, section 6, chapter 253, Oregon Laws 2017, section 2, chapter 393,  
29 Oregon Laws 2017, section 6, chapter 504, Oregon Laws 2017, and section 4, chapter 119, Oregon  
30 Laws 2018, is amended to read:

31 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

38 (A) ORS 215.275; or

39 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
40 469.300.

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

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

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

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

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

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

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

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

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

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

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

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

31 (o) Farm stands if:

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

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

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

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

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

45 (C) Has interior wiring for interior lights;



1 (D) Has a heating system; and

2 (E) In the case of replacement:

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

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

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

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

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

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

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

7 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

35 (b) Operations conducted for:

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

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

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

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

42 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the  
43 approval of the county governing body or its designee, a private campground may provide yurts for  
44 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,  
45 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent

1 foundation. Upon request of a county governing body, the Land Conservation and Development  
2 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion  
3 of the campgrounds in a county if the commission determines that the increase will comply with the  
4 standards described in ORS 215.296 (1). As used in this paragraph, “yurt” means a round, domed  
5 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or  
6 internal cooking appliance.

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

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

17 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

44 (k) A site for the disposal of solid waste approved by the governing body of a city or county or  
45 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-

1 mental Quality together with equipment, facilities or buildings necessary for its operation.

2 (L) One manufactured dwelling [*or recreational vehicle*], **or one recreational vehicle described**  
3 **in ORS 446.561**, or the temporary residential use of an existing building, in conjunction with an  
4 existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or  
5 a relative of the resident. Within three months of the end of the hardship, the manufactured dwelling  
6 or recreational vehicle shall be removed or demolished or, in the case of an existing building, the  
7 building shall be removed, demolished or returned to an allowed nonresidential use. The governing  
8 body or its designee shall provide for periodic review of the hardship claimed under this paragraph.  
9 A temporary residence approved under this paragraph is not eligible for replacement under sub-  
10 section (1)(p) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (A) "Living history museum" means a facility designed to depict and interpret everyday life and  
45 culture of some specific historic period using authentic buildings, tools, equipment and people to

1 simulate past activities and events; and

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

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

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

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

12 (bb) Equine and equine-affiliated therapeutic and counseling activities, provided:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (i) Planned hours of operation;

- 1 (ii) Access, egress and parking;
- 2 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-
- 3 ipated use of public roads; and
- 4 (iv) Sanitation and solid waste.
- 5 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
- 6 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
- 7 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
- 8 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
- 9 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
- 10 To approve an expedited, single-event license, the governing body of a county or its designee must
- 11 determine that the proposed agri-tourism or other commercial event or activity meets any local
- 12 standards that apply, and the agri-tourism or other commercial event or activity:
- 13 (A) Must be incidental and subordinate to existing farm use on the tract;
- 14 (B) May not begin before 6 a.m. or end after 10 p.m.;
- 15 (C) May not involve more than 100 attendees or 50 vehicles;
- 16 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 17 (E) May not require or involve the construction or use of a new permanent structure in con-
- 18 nection with the agri-tourism or other commercial event or activity;
- 19 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
- 20 properties consent, in writing, to the location; and
- 21 (G) Must comply with applicable health and fire and life safety requirements.
- 22 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
- 23 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
- 24 use permit that is personal to the applicant and is not transferred by, or transferable with, a
- 25 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
- 26 local standards that apply, and the agri-tourism or 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 occupied in connection
- 30 with the agri-tourism or other commercial events or activities;
- 31 (D) Must comply with ORS 215.296;
- 32 (E) May not, in combination with other agri-tourism or other commercial events or activities
- 33 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 34 (F) Must comply with conditions established for:
- 35 (i) The types of agri-tourism or other commercial events or activities that are authorized during
- 36 each calendar year, including the number and duration of the agri-tourism or other commercial
- 37 events and activities, the anticipated daily attendance and the hours of operation;
- 38 (ii) The location of existing structures and the location of proposed temporary structures to be
- 39 used in connection with the agri-tourism or other commercial events or activities;
- 40 (iii) The location of access and egress and parking facilities to be used in connection with the
- 41 agri-tourism or other commercial events or activities;
- 42 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
- 43 public roads; and
- 44 (v) Sanitation and solid waste.
- 45 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism

1 or other commercial events or activities that occur more frequently or for a longer period or that  
 2 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other  
 3 commercial events or activities comply with any local standards that apply and the agri-tourism or  
 4 other commercial events or activities:

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

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

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

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

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

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

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

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

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

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

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

35 **SECTION 19.** ORS 215.317 is amended to read:

36 215.317. (1) A county may allow the following uses to be established on land designated as  
 37 marginal land under ORS 197.247 (1991 Edition):

38 (a) Intensive farm or forest operations, including but not limited to “farm use” as defined in ORS  
 39 215.203.

40 (b) Part-time farms.

41 (c) Woodlots.

42 (d) One single-family dwelling on a lot or parcel created under ORS 215.327 (1) or (2).

43 (e) One single-family dwelling on a lot or parcel of any size if the lot or parcel was created be-  
 44 fore July 1, 1983, subject to subsection (2) of this section.

45 (f) The nonresidential uses authorized in exclusive farm use zones under ORS 215.213 (1) and (2).

1 (g) One manufactured dwelling, or **one** recreational vehicle **described in ORS 446.561**, in con-  
 2 junction with an existing dwelling as a temporary use for the term of a hardship suffered by the  
 3 existing resident or a relative of the resident.

4 (2) If a lot or parcel described in subsection (1)(e) of this section is located within the Willamette  
 5 River Greenway, a floodplain or a geological hazard area, approval of a single-family dwelling shall  
 6 be subject to local ordinances relating to the Willamette River Greenway, floodplains or geological  
 7 hazard areas, whichever is applicable.

8 **SECTION 20.** ORS 215.755 is amended to read:

9 215.755. Subject to the approval of the governing body or its designee, the following dwellings  
 10 may be established in any area zoned for forest use under a land use planning goal protecting  
 11 forestland, provided that the requirements of the acknowledged comprehensive plan, land use regu-  
 12 lations and other applicable provisions of law are met:

13 (1) Alteration, restoration or replacement of a lawfully established dwelling that:

14 (a) Has intact exterior walls and roof structure;

15 (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to  
 16 a sanitary waste disposal system;

17 (c) Has interior wiring for interior lights;

18 (d) Has a heating system; and

19 (e) In the case of replacement, is removed, demolished or converted to an allowable nonresi-  
 20 dential use within three months of completion of the replacement dwelling.

21 (2) One manufactured dwelling, or **one** recreational vehicle **described in ORS 446.561**, or the  
 22 temporary use of an existing building, in conjunction with an existing dwelling as a temporary use  
 23 for the term of a hardship suffered by the existing resident or a relative of the resident. Within three  
 24 months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be re-  
 25 moved or demolished or, in the case of an existing building, the building shall be removed, demol-  
 26 ished or returned to an allowed nonresidential use. The governing body or its designee shall provide  
 27 for periodic review of the hardship claimed under this subsection. A temporary dwelling established  
 28 under this section shall not qualify for replacement under the provisions of subsection (1) of this  
 29 section.

30 (3) Caretaker residences for public parks and public fish hatcheries.

31 **SECTION 21.** ORS 319.550 is amended to read:

32 319.550. (1) Except as provided in this section, a person may not use fuel in a motor vehicle in  
 33 this state unless the person holds a valid user's license.

34 (2) A nonresident may use fuel in a motor vehicle not registered in Oregon for a period not  
 35 exceeding 30 days without obtaining a user's license or the emblem issued under ORS 319.600, if, for  
 36 all fuel used in a motor vehicle in this state, the nonresident pays to a seller, at the time of the sale,  
 37 the tax provided in ORS 319.530.

38 (3) A user's license is not required for a person who uses fuel in a motor vehicle with a com-  
 39 bined weight of 26,000 pounds or less if, for all fuel used in a motor vehicle in this state, the person  
 40 pays to a seller, at the time of the sale, the tax provided in ORS 319.530.

41 (4)(a) A user's license is not required for a person who uses fuel as described in ORS 319.520 (7)  
 42 in the vehicles specified in this subsection if the person pays to a seller, at the time of the sale, the  
 43 tax provided in ORS 319.530.

44 (b) Paragraph (a) of this subsection applies to the following vehicles:

45 (A) Motor homes as defined in ORS 801.350.



1 (B) Recreational vehicles as defined in [ORS 446.003] **section 11 of this 2019 Act.**

2 (5) A user's license is not required for a person who uses fuel in a motor vehicle:

3 (a) Metered use by which is subject to the per-mile road usage charge imposed under ORS  
4 319.885; and

5 (b) That also uses fuels subject to ORS 319.510 to 319.880.

6 (6) A user's license is not required for a person who uses fuel in a motor vehicle on which an  
7 emblem issued for the motor vehicle pursuant to ORS 319.535 is displayed.

8 **SECTION 22.** ORS 456.594 is amended to read:

9 456.594. As used in ORS 456.594 to 456.599:

10 (1) "Cash payment" means a payment made by the Housing and Community Services Department  
11 to the dwelling owner or to the contractor on behalf of the dwelling owner for energy conservation  
12 measures.

13 (2) "Contractor" means a person that installs or assists a dwelling owner to install energy con-  
14 servation measures in a dwelling.

15 (3)(a) "Dwelling" means real or personal property within the state inhabited as the principal  
16 residence of a dwelling owner or a tenant.

17 (b) "Dwelling" includes a manufactured dwelling as defined in ORS 446.003, a floating home as  
18 defined in ORS 830.700 and a single unit in multiple-unit residential housing.

19 (c) "Dwelling" does not include a recreational vehicle as defined in [ORS 446.003] **section 11**  
20 **of this 2019 Act.**

21 (4) "Dwelling owner" means the person:

22 (a) Who has legal title to a dwelling, including the mortgagor under a duly recorded mortgage  
23 of real property, the trustor under a duly recorded deed of trust or a purchaser under a duly re-  
24 corded contract for the purchase of real property; and

25 (b) Whose dwelling receives space heating primarily from a fuel oil dealer.

26 (5) "Energy conservation items" includes but is not limited to air sealing, weatherstripping,  
27 ceiling and wall insulation, crawl space insulation, vapor barrier materials, programmable thermo-  
28 stats, insulation of heating ducts and water pipes in unheated spaces, and replacement windows.

29 (6)(a) "Energy conservation measures" includes the installation of energy conservation items and  
30 the energy conservation items installed, where the items are primarily designed to improve the  
31 space heating and energy utilization efficiency of a dwelling.

32 (b) "Energy conservation measures" does not include the dwelling owner's own labor.

33 (7) "Fuel oil dealer" means a person, association, corporation or other form of organization that  
34 supplies fuel oil at retail for the space heating of dwellings.

35 (8) "Person" means an individual, partnership, joint venture, private or public corporation, as-  
36 sociation, firm, public service company, political subdivision, municipal corporation, government  
37 agency, people's utility district, or any other entity, public or private, however organized.

38 (9) "Petroleum supplier" means a petroleum refiner in this state or any person engaged in the  
39 wholesale distribution of distillate fuel oil in this state.

40 (10) "Residential customer" means a dwelling owner or tenant who is billed by a fuel oil dealer  
41 for fuel oil service received at the dwelling.

42 (11) "Space heating" means the heating of living space within a dwelling.

43 (12) "Tenant" means a tenant as defined in ORS 90.100 or any other tenant.

44 **SECTION 23.** ORS 469.155 is amended to read:

45 469.155. (1) As used in this section:

1 (a) "Dwelling" means real or personal property inhabited as the principal residence of an owner  
 2 or renter. "Dwelling" includes a manufactured dwelling as defined in ORS 446.003, a floating home  
 3 as defined in ORS 830.700 and multiple unit residential housing. "Dwelling" does not include a rec-  
 4 reational vehicle as defined in [ORS 446.003] **section 11 of this 2019 Act.**

5 (b) "Energy conservation standards" means standards for the efficient use of energy for space  
 6 and water heating in a dwelling.

7 (2) The Director of the State Department of Energy shall establish advisory energy conservation  
 8 standards for existing dwellings. The standards shall be adopted by rule in accordance with ORS  
 9 183.310 to 183.410. The standards:

10 (a) Shall take cost-effectiveness into account; and

11 (b) Shall be compatible with and further the state's incentive programs for residential energy  
 12 conservation.

13 (3) The director shall publicize the energy conservation standards and encourage home owners  
 14 to voluntarily comply with the standards.

15 **SECTION 24.** ORS 469.631 is amended to read:

16 469.631. As used in ORS 469.631 to 469.645:

17 (1) "Cash payment" means a payment made by the investor-owned utility to the dwelling owner  
 18 or to the contractor on behalf of the dwelling owner for energy conservation measures.

19 (2) "Commercial lending institution" means any bank, mortgage banking company, trust com-  
 20 pany, savings bank, savings and loan association, credit union, national banking association, federal  
 21 savings and loan association or federal credit union maintaining an office in this state.

22 (3) "Commission" means the Public Utility Commission of Oregon.

23 (4) "Cost-effective" means that an energy conservation measure that provides or saves a specific  
 24 amount of energy during its life cycle results in the lowest present value of delivered energy costs  
 25 of any available alternative. However, the present value of the delivered energy costs of an energy  
 26 conservation measure shall not be treated as greater than that of a nonconservation energy resource  
 27 or facility unless that cost is greater than 110 percent of the present value of the delivered energy  
 28 cost of the nonconservation energy resource or facility.

29 (5) "Dwelling" means real or personal property within the state inhabited as the principal resi-  
 30 dence of a dwelling owner or a tenant. "Dwelling" includes a manufactured dwelling as defined in  
 31 ORS 446.003, a floating home as defined in ORS 830.700 and a single unit in multiple-unit residential  
 32 housing. "Dwelling" does not include a recreational vehicle as defined in [ORS 446.003] **section 11**  
 33 **of this 2019 Act.**

34 (6) "Dwelling owner" means the person:

35 (a) Who has legal title to a dwelling, including the mortgagor under a duly recorded mortgage  
 36 of real property, the trustor under a duly recorded deed of trust or a purchaser under a duly re-  
 37 corded contract for the purchase of real property; and

38 (b) Whose dwelling receives space heating from the investor-owned utility.

39 (7) "Energy audit" means:

40 (a) The measurement and analysis of the heat loss and energy utilization efficiency of a dwelling;

41 (b) An analysis of the energy savings and dollar savings potential that would result from pro-  
 42 viding energy conservation measures for the dwelling;

43 (c) An estimate of the cost of the energy conservation measures that includes:

44 (A) Labor for the installation of items designed to improve the space heating and energy utili-  
 45 zation efficiency of the dwelling; and

1 (B) The items installed; and

2 (d) A preliminary assessment, including feasibility and a range of costs, of the potential and  
3 opportunity for installation of:

4 (A) Passive solar space heating and solar domestic water heating in the dwelling; and

5 (B) Solar swimming pool heating, if applicable.

6 (8) "Energy conservation measures" means measures that include the installation of items and  
7 the items installed to improve the space heating and energy utilization efficiency of a dwelling.  
8 These items include, but are not limited to, caulking, weatherstripping and other infiltration pre-  
9 ventative materials, ceiling and wall insulation, crawl space insulation, vapor barrier materials,  
10 timed thermostats, insulation of heating ducts, hot water pipes and water heaters in unheated  
11 spaces, storm doors and windows, double glazed windows and dehumidifiers. "Energy conservation  
12 measures" does not include the dwelling owner's own labor.

13 (9) "Investor-owned utility" means an electric or gas utility regulated by the commission as a  
14 public utility under ORS chapter 757.

15 (10) "Residential customer" means a dwelling owner or tenant who, either directly or indirectly,  
16 pays a share of the cost for service billed by an investor-owned utility for electric or natural gas  
17 service received at the dwelling.

18 (11) "Space heating" means the heating of living space within a dwelling.

19 (12) "Tenant" means a tenant as defined in ORS 90.100 or any other tenant.

20 **SECTION 25.** ORS 469.649 is amended to read:

21 469.649. As used in ORS 469.649 to 469.659:

22 (1) "Cash payment" means a payment made by the publicly owned utility to the dwelling owner  
23 or to the contractor on behalf of the dwelling owner for energy conservation measures.

24 (2) "Commercial lending institution" means any bank, mortgage banking company, trust com-  
25 pany, savings bank, savings and loan association, credit union, national banking association, federal  
26 savings and loan association or federal credit union maintaining an office in this state.

27 (3) "Cost-effective" means that an energy conservation measure that provides or saves a specific  
28 amount of energy during its life cycle results in the lowest present value of delivered energy costs  
29 of any available alternative. However, the present value of the delivered energy costs of an energy  
30 conservation measure shall not be treated as greater than that of a nonconservation energy resource  
31 or facility unless that cost is greater than 110 percent of the present value of the delivered energy  
32 cost of the nonconservation energy resource or facility.

33 (4) "Dwelling" means real or personal property within the state inhabited as the principal resi-  
34 dence of a dwelling owner or a tenant. "Dwelling" includes a manufactured dwelling as defined in  
35 ORS 446.003, a floating home as defined in ORS 830.700 and a single unit in multiple-unit residential  
36 housing. "Dwelling" does not include a recreational vehicle as defined in [ORS 446.003] **section 11**  
37 **of this 2019 Act.**

38 (5) "Dwelling owner" means the person:

39 (a) Who has legal title to a dwelling, including the mortgagor under a duly recorded mortgage  
40 of real property, the trustor under a duly recorded deed of trust or a purchaser under a duly re-  
41 corded contract for the purchase of real property; and

42 (b) Whose dwelling receives space heating from the publicly owned utility.

43 (6) "Energy audit" means:

44 (a) The measurement and analysis of the heat loss and energy utilization efficiency of a dwelling;

45 (b) An analysis of the energy savings and dollar savings potential that would result from pro-

1 viding energy conservation measures for the dwelling;

2 (c) An estimate of the cost of the energy conservation measures that includes:

3 (A) Labor for the installation of items designed to improve the space heating and energy utili-  
4 zation efficiency of the dwelling; and

5 (B) The items installed; and

6 (d) A preliminary assessment, including feasibility and a range of costs, of the potential and  
7 opportunity for installation of:

8 (A) Passive solar space heating and solar domestic water heating in the dwelling; and

9 (B) Solar swimming pool heating, if applicable.

10 (7) "Energy conservation measures" means measures that include the installation of items and  
11 the items installed to improve the space heating and energy utilization efficiency of a dwelling.  
12 These items include, but are not limited to, caulking, weatherstripping and other infiltration pre-  
13 ventative materials, ceiling and wall insulation, crawl space insulation, vapor barrier materials,  
14 timed thermostats, insulation of heating ducts, hot water pipes and water heaters in unheated  
15 spaces, storm doors and windows, double glazed windows and dehumidifiers. "Energy conservation  
16 measures" does not include the dwelling owner's own labor.

17 (8) "Publicly owned utility" means a utility that:

18 (a) Is owned or operated in whole or in part, by a municipality, cooperative association or  
19 people's utility district; and

20 (b) Distributes electricity.

21 (9) "Residential customer" means a dwelling owner or tenant who is billed by a publicly owned  
22 utility for electric service received at the dwelling.

23 (10) "Space heating" means the heating of living space within a dwelling.

24 (11) "Tenant" means a tenant as defined in ORS 90.100 or any other tenant.

25 **SECTION 26.** ORS 469.710 is amended to read:

26 469.710. As used in ORS 469.710 to 469.720, unless the context requires otherwise:

27 (1) "Annual rate" means the yearly interest rate specified on the note, and is not the annual  
28 percentage rate, if any, disclosed to the applicant to comply with the federal Truth in Lending Act.

29 (2) "Commercial lending institution" means any bank, mortgage banking company, trust com-  
30 pany, savings bank, savings and loan association, credit union, national banking association, federal  
31 savings and loan association or federal credit union maintaining an office in this state.

32 (3) "Cost-effective" means that an energy conservation measure that provides or saves a specific  
33 amount of energy during its life cycle results in the lowest present value of delivered energy costs  
34 of any available alternative. However, the present value of the delivered energy costs of an energy  
35 conservation measure may not be treated as greater than that of a nonconservation energy resource  
36 or facility unless that cost is greater than 110 percent of the present value of the delivered energy  
37 cost of the nonconservation energy resource or facility.

38 (4) "Dwelling" means real or personal property within the state inhabited as the principal resi-  
39 dence of a dwelling owner or a tenant. "Dwelling" includes a manufactured dwelling as defined in  
40 ORS 446.003, a floating home as defined in ORS 830.700 and a single unit in multiple-unit residential  
41 housing. "Dwelling" does not include a recreational vehicle as defined in [ORS 446.003] **section 11**  
42 **of this 2019 Act.**

43 (5) "Dwelling owner" means the person who has legal title to a dwelling, including the  
44 mortgagor under a duly recorded mortgage of real property, the trustor under a duly recorded deed  
45 of trust or a purchaser under a duly recorded contract for purchase of real property.

- 1 (6) "Energy audit" means:
- 2 (a) The measurement and analysis of the heat loss and energy utilization efficiency of a dwelling;
- 3 (b) An analysis of the energy savings and dollar savings potential that would result from pro-
- 4 viding energy conservation measures for the dwelling;
- 5 (c) An estimate of the cost of the energy conservation measures that includes:
- 6 (A) Labor for the installation of items designed to improve the space heating and energy utili-
- 7 zation efficiency of the dwelling; and
- 8 (B) The items installed; and
- 9 (d) A preliminary assessment, including feasibility and a range of costs, of the potential and
- 10 opportunity for installation of:
- 11 (A) Passive solar space heating and solar domestic water heating in the dwelling; and
- 12 (B) Solar swimming pool heating, if applicable.
- 13 (7) "Energy conservation measures" means measures that include the installation of items and
- 14 the items installed that are primarily designed to improve the space heating and energy utilization
- 15 efficiency of a dwelling. These items include, but are not limited to, caulking, weatherstripping and
- 16 other infiltration preventative materials, ceiling and wall insulation, crawl space insulation, vapor
- 17 barrier materials, timed thermostats, insulation of heating ducts, hot water pipes and water heaters
- 18 in unheated spaces, storm doors and windows, double glazed windows and dehumidifiers. "Energy
- 19 conservation measures" does not include the dwelling owner's own labor.
- 20 (8) "Finance charge" means the total of all interest, loan fees and other charges related to the
- 21 cost of obtaining credit and includes any interest on any loan fees financed by the lending institu-
- 22 tion.
- 23 (9) "Fuel oil dealer" means a person, association, corporation or any other form of organization
- 24 that supplies fuel oil at retail for the space heating of dwellings.
- 25 (10) "Residential fuel oil customer" means a dwelling owner or tenant who is billed by a fuel
- 26 oil dealer for fuel oil service for space heating received at the dwelling.
- 27 (11) "Space heating" means the heating of living space within a dwelling.
- 28 (12) "Wood heating resident" means a person whose primary space heating is provided by the
- 29 combustion of wood.
- 30 **SECTION 27.** ORS 480.432 is amended to read:
- 31 480.432. (1) A person may not engage in or work at the business of installing, extending, altering
- 32 or repairing any LP gas appliance or piping, vent or flue connection pertaining to or in connection
- 33 with LP gas installations within the state, either as employer or individual, unless the person has
- 34 received an LP gas installation license from the State Fire Marshal in accordance with ORS 480.410
- 35 to 480.460.
- 36 (2) A person may not do any LP gas fitting or gas venting work, install, repair or remodel any
- 37 piping or venting or do any installation, repair service, connection or disconnection of any LP gas
- 38 appliance that is subject to inspection under ORS 480.410 to 480.460 unless the person has received
- 39 an LP gas fitter license from the State Fire Marshal in accordance with ORS 480.410 to 480.460.
- 40 (3) A person may not operate any LP gas delivery equipment installed on a motorized vehicle
- 41 unless the person has received an LP gas truck equipment license from the State Fire Marshal in
- 42 accordance with ORS 480.410 to 480.460.
- 43 (4) Any person under the terms of this section who is required to have an LP gas fitter or LP
- 44 gas truck equipment license is also required to have an LP gas installation license, unless the per-
- 45 son is an employee of an employer who has an LP gas installation license as provided by this sec-

1 tion.

2 (5) A person who holds a valid journeyman plumber license under ORS 693.060 or who is in an  
3 approved journeyman plumber apprenticeship established under ORS 660.002 to 660.210 is exempt  
4 from the licensing requirements of subsections (1) and (2) of this section, except that the apprentice  
5 or journeyman plumber may not install an LP gas tank or make any connection to an LP gas tank  
6 unless the apprentice or journeyman plumber is licensed as required under this section.

7 (6) A person who holds a license issued by the Department of Consumer and Business Services  
8 under ORS 480.630 of a class that authorizes the person to fabricate, install, alter or repair pressure  
9 piping and to install boilers and pressure vessels by attachment of piping connector is exempt from  
10 the licensing requirements of subsections (1) and (2) of this section, except that the person may not  
11 install an LP gas tank or make any connection to an LP gas tank unless the person is licensed as  
12 required under this section.

13 (7) Subsections (1) to (4) of this section do not apply to LP gas installations in a manufactured  
14 dwelling, or **in a recreational vehicle described in ORS 446.561, that is performed during the**  
15 **construction of the manufactured dwelling or recreational vehicle, or the alteration or repair of an**  
16 **LP gas installation in a manufactured dwelling or recreational vehicle made pursuant to the**  
17 **manufacturer's warranty. The provisions of this section do not apply to LP gas work on rec-**  
18 **reational vehicles as defined in section 11 of this 2019 Act.**

19 **SECTION 28.** ORS 480.450 is amended to read:

20 480.450. (1) The installer shall notify the State Fire Marshal, before the last day of each month,  
21 of all new installations made during the preceding month of containers or receptacles for liquefied  
22 petroleum gas, including installations for private homes and apartments. The installer shall certify  
23 on a form provided by the State Fire Marshal that all of the new installations are duly and properly  
24 reported. The State Fire Marshal may require that the notification include the location and de-  
25 scription of the installation and the name of the user. All fees due and payable must accompany the  
26 notification. The replacement of empty containers or receptacles with other containers constructed  
27 in accordance with United States Department of Transportation specifications is not a new instal-  
28 lation or change in the original installation that requires notification to the State Fire Marshal or  
29 necessitates further inspection of the installation. The State Fire Marshal shall collect from the in-  
30 staller an installation fee of \$50 for each tank installed or for all tanks at the installation if the total  
31 combined capacity is 200 gallons or less. The State Fire Marshal or deputies of the fire marshal or  
32 assistants shall inspect a reasonable number of the installations and maintain a record of the in-  
33 spections in the office of the State Fire Marshal.

34 (2) In addition to any installation or inspection fee, the State Fire Marshal may charge a plan  
35 review fee, not to exceed \$100, for any liquefied petroleum gas container and receptacle plan review  
36 required under a uniform fire code prescribed by the State Fire Marshal by rule.

37 (3) After the initial installation, liquefied petroleum gas containers may be inspected once every  
38 10 years except when changes have been made in the original installation. An installer making  
39 changes must notify the State Fire Marshal of the changes in the same manner provided in this  
40 section for new installations. The State Fire Marshal shall collect from the owner a fee of \$50 for  
41 the inspection of each container. The manner of inspection, requirement of corrections, satisfaction  
42 of requirements and collection of fees due and payable must conform with the provisions of ORS  
43 480.410 to 480.460 for new installations. Upon request of the State Fire Marshal, LP gas installation  
44 licensees shall furnish a list of the locations of 10-year old installations that they service.

45 (4) If, upon inspection of any tank, the new installation does not comply with the requirements

1 of the State Fire Marshal, the State Fire Marshal shall instruct the installer as to what corrections  
 2 are necessary for compliance with the State Fire Marshal's requirements. The installer of the new  
 3 installation shall, within the time set by the State Fire Marshal, not to exceed 60 days after notifi-  
 4 cation, notify the State Fire Marshal that the new installation complies with the requirements of the  
 5 fire marshal. If the installer fails to notify the State Fire Marshal, or the State Fire Marshal has  
 6 reason to believe that the corrections have not been made, the State Fire Marshal shall reinspect  
 7 the new installation and shall collect from the installer an additional fee of \$125. The user, not the  
 8 installer, shall pay the additional fee resulting from actions of the user that require correction to  
 9 achieve compliance with the requirements of the State Fire Marshal.

10 (5) A person who receives notice from the State Fire Marshal must correct any improper in-  
 11 stallation within the time set by the State Fire Marshal, not to exceed 60 days after receipt of the  
 12 notice.

13 (6) If the fees provided for in this section are due and payable and are not paid within 30 days  
 14 after service of written notice by the State Fire Marshal therefor, or if the installer fails to notify  
 15 the State Fire Marshal by the last day of the month succeeding the month a new installation is made  
 16 or a change is made requiring an inspection, the fees are delinquent and a penalty equal to the  
 17 greater of 10 percent of the fee amount or \$30, is imposed for the delinquency. The State Fire  
 18 Marshal shall collect all fees and penalties in the name of the State of Oregon in the same manner  
 19 that other debts are collected.

20 (7) The provisions of this section do not apply to liquefied petroleum gas installations if made  
 21 entirely within the jurisdiction of a governmental subdivision granted the exemption provided by  
 22 ORS 476.030 (3) and written evidence of the licensing of the installation by the approved authority  
 23 is submitted to the State Fire Marshal. The provisions of this section do not apply to LP gas in-  
 24 stallations made in manufactured dwellings or **in recreational vehicles described in ORS 446.561,**  
 25 that are constructed or altered in accordance with applicable rules of the Department of Consumer  
 26 and Business Services. **The provisions of this section do not apply to LP gas installations in a**  
 27 **recreational vehicle as defined in section 11 of this 2019 Act.**

28 **SECTION 29.** ORS 801.409 is amended to read:

29 801.409. "Recreational vehicle" has the meaning given [*in ORS 446.003*] **that term in section**  
 30 **11 of this 2019 Act.**

31  
 32 **APPLICABILITY**

33  
 34 **SECTION 30.** The amendments to ORS 446.003, 446.155 and 446.170 by sections 1 to 3 of  
 35 **this 2019 Act apply to recreational vehicles constructed before, on or after the effective date**  
 36 **of this 2019 Act.**

37  
 38 **CAPTIONS**

39  
 40 **SECTION 31.** The unit captions used in this 2019 Act are provided only for the conven-  
 41 **ience of the reader and do not become part of the statutory law of this state or express any**  
 42 **legislative intent in the enactment of this 2019 Act.**