

Senate Bill 1561

Sponsored by Senator WEBER, Representative WRIGHT; Senators DRAZAN, FREDERICK, SMITH DB, THATCHER, Representatives EDWARDS, HARTMAN, HELFRICH, JAVADI, LEVY B, MANNIX, MCDONALD, OWENS (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act allows an owner a separate path to restore a destroyed home. (Flesch Readability Score: 69.9).

Requires local governments to approve restoration or replacement of dwellings rendered uninhabitable under an alternative process that is not a land use decision.

1 A BILL FOR AN ACT

2 Relating to restoration of dwellings damaged by involuntary causes; creating new provisions; and
3 amending ORS 215.213, 215.283 and 215.755.

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

5 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 197.**

6 **SECTION 2. (1) The local government shall approve an application to restore or replace**
7 **a dwelling damaged or destroyed by natural or involuntary causes if:**

8 **(a) The former dwelling:**

9 **(A) Had intact exterior walls and roof structure;**

10 **(B) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities con-**
11 **nected to a sanitary waste disposal system;**

12 **(C) Had interior wiring for interior lights;**

13 **(D) Had a heating system; and**

14 **(E)(i) Was authorized by building permits or other regulatory approval process by the**
15 **appropriate authority; or**

16 **(ii) Was assessed as a residential dwelling for purposes of ad valorem taxation for the tax**
17 **year beginning on July 1, 10 years before the date of the application, and is not subject to**
18 **unresolved enforcement proceedings challenging the lawfulness of the dwelling; and**

19 **(b) The proposed dwelling will:**

20 **(A) Not exceed the floor area of the former dwelling by more than 25 percent;**

21 **(B) Be adequately served by water, sanitation and roads;**

22 **(C) Be located wholly or partially within the footprint of the former dwelling unless**
23 **necessary to comply with local flood regulations or to avoid a natural hazard area, in which**
24 **case the applicant may choose a suitable location on the same lot or parcel; and**

25 **(D) Comply with applicable building codes that were in effect on the later of:**

26 **(i) January 1, 2008; or**

27 **(ii) The date of the former dwelling's construction.**

28 **(2) A local government may not add conditions to the approval or siting of a dwelling**

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 **under this section except as necessary to maintain participation in the National Flood In-**
2 **surance Program under 42 U.S.C. 4001 et seq.**

3 **(3) A local government may delegate the approval of an application under this section to:**

4 **(a) A hearings officer, as defined in ORS 215.402 or 227.160;**

5 **(b) A planning commission, as described in ORS 215.020; or**

6 **(c) A building official, as defined in ORS 455.715.**

7 **(4) The findings of the local government or its designee in approving an application under**
8 **this section are not land use decisions and are subject to review only under ORS 34.010 to**
9 **34.100. The local government may not require an applicant to give notice to any nonparty.**
10 **The findings and conclusions of the local government are entitled to deference if there is any**
11 **evidence to support the findings.**

12 **SECTION 3. ORS 215.213 is amended to read:**

13 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
14 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

17 (c) Utility facilities necessary for public service, not including commercial facilities for the
18 purpose of generating electrical power for public use by sale or transmission towers over 200 feet
19 in height, but including:

20 (A) Utility facilities as provided in ORS 215.275;

21 (B) Utility facilities that are associated transmission lines, as defined in ORS 215.274 and
22 469.300;

23 (C) Wetland waste treatment systems; or

24 (D) Facilities and service lines needed to provide water or wastewater services allowed under
25 ORS 215.256.

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

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

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

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

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

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

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

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

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

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

23 (n) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has
24 been classified as historic property as described in ORS 358.487 (4).

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

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

27 (q) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS
28 215.291 or **section 2 of this 2026 Act**.

29 (r) Farm stands if:

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

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

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

42 (t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as
43 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor
44 area or placed on a permanent foundation unless the building or facility preexisted the use approved
45 under this paragraph. The site shall not include an aggregate surface or hard surface area unless

1 the surface preexisted the use approved under this paragraph. An owner of property used for the
2 purpose authorized in this paragraph may charge a person operating the use on the property rent
3 for the property. An operator may charge users of the property a fee that does not exceed the
4 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model
5 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
6 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
7 ground.

8 (u) A facility for the processing of farm products as described in ORS 215.255.
9 (v) Fire service facilities providing rural fire protection services.
10 (w) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational
11 facilities, not including parks or other recreational structures and facilities, associated with a dis-
12 trict as defined in ORS 540.505.
13 (x) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-
14 cilities or structures that end at the point where the utility service is received by the customer and
15 that are located on one or more of the following:

16 (A) A public right of way;
17 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-
18 jacent property owners has been obtained; or
19 (C) The property to be served by the utility.

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

30 (z) Dog training classes or testing trials, which may be conducted outdoors or in farm buildings
31 in existence on January 1, 2019, when:

32 (A) The number of dogs participating in training does not exceed 10 dogs per training class and
33 the number of training classes to be held on-site does not exceed six per day; and
34 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of
35 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

36 (aa) A cider business, as described in ORS 215.451.
37 (bb) A farm brewery, as described in ORS 215.449.
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 215.255.

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. A renewable
38 energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

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

1 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
2 ject to any applicable rules of the Oregon Department of Aviation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (A) "Living history museum" means a facility designed to depict and interpret everyday life and

1 culture of some specific historic period using authentic buildings, tools, equipment and people to
2 simulate past activities and events; and

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

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

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

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

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

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

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

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

20 (aa) Child care facilities, preschool recorded programs or school-age recorded programs that are:

21 (A) Authorized under ORS 329A.250 to 329A.450;

22 (B) Primarily for the children of residents and workers of the rural area in which the facility
23 or program is located; and

24 (C) Colocated with a community center or a public or private school allowed under this sub-
25 section.

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

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

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

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

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

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) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a

3 geological hazard area, the dwelling complies with conditions imposed by local ordinances relating

4 specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is

5 applicable; and

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

7 its designee.

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

9 body shall notify:

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

11 tablished; and

12 (b) Persons who have requested notice of such applications and who have paid a reasonable fee

13 imposed by the county to cover the cost of such notice.

14 (6) The notice required in subsection (5) of this section shall specify that persons have 15 days

15 following the date of postmark of the notice to file a written objection on the grounds only that the

16 dwelling or activities associated with it would force a significant change in or significantly increase

17 the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is re-

18 ceived, the governing body or its designee shall approve or disapprove the application. If an ob-

19 jection is received, the governing body shall set the matter for hearing in the manner prescribed in

20 ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required

21 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of

22 this section.

23 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,

24 1948, and July 1, 1983. For the purposes of this section:

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

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

27 scribed in this section; and

28 (B) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels

29 or lots and parcels by the same person, spouses or a single partnership or business entity, separately

30 or in tenancy in common.

31 (b) "Contiguous" means lots, parcels or lots and parcels that have a common boundary, including

32 but not limited to, lots, parcels or lots and parcels separated only by a public road.

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

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

35 dwelling.

36 (9) No final approval of a nonfarm use under this section shall be given unless any additional

37 taxes imposed upon the change in use have been paid.

38 (10) Roads, highways and other transportation facilities and improvements not allowed under

39 subsections (1) and (2) of this section may be established, subject to the approval of the governing

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

41 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable

42 goal with which the facility or improvement does not comply; or

43 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development

44 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

45 (11) The following agri-tourism and other commercial events or activities that are related to and

1 supportive of agriculture may be established in any area zoned for exclusive farm use:

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

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

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

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

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

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

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

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

20 (i) Planned hours of operation;

21 (ii) Access, egress and parking;

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

24 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

42 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
43 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
44 use permit that is personal to the applicant and is not transferred by, or transferable with, a
45 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any

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

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

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

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

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

6 (D) Must comply with ORS 215.296;

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

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

9 (F) Must comply with conditions established for:

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

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

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

13 (ii) The location of existing structures and the location of proposed temporary structures to be

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

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

16 agri-tourism or other commercial events or activities;

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

18 public roads; and

19 (v) Sanitation and solid waste.

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

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

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

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

24 other commercial events or activities:

25 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-

26 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;

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

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

29 and

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

31 (12) A holder of a permit authorized by a county under subsection (11)(d) of this section must

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

33 shall:

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

35 and

36 (b) Limit its review to events and activities authorized by the permit, conformance with condi-

37 tions of approval required by the permit and the standards established by subsection (11)(d) of this

38 section.

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

40 (a) A county may authorize the use of temporary structures established in connection with the

41 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-

42 tion. However, the temporary structures must be removed at the end of the agri-tourism or other

43 event or activity. The county may not approve an alteration to the land in connection with an

44 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,

45 including, but not limited to, grading, filling or paving.

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

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

10 SECTION 4. ORS 215.283 is amended to read:

11 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

14 (c) Utility facilities necessary for public service, not including commercial facilities for the
15 purpose of generating electrical power for public use by sale or transmission towers over 200 feet
16 in height, but including:

17 (A) Utility facilities as provided in ORS 215.275;

18 (B) Utility facilities that are associated transmission lines, as defined in ORS 215.274 and
19 469.300;

20 (C) Wetland waste treatment systems; or

21 (D) Facilities and service lines needed to provide water or wastewater services allowed under
22 ORS 215.256.

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

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

35 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
36 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
37 compressors, separators and other customary production equipment for an individual well adjacent
38 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
39 an exception under ORS 197.732 (2)(a) or (b).

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

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

44 (i) Reconstruction or modification of public roads and highways, including the placement of
45 utility facilities overhead and in the subsurface of public roads and highways along the public right

1 of way, but not including the addition of travel lanes, where no removal or displacement of buildings
2 would occur, or no new land parcels result.

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

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

9 (L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has
10 been classified as historic property as described in ORS 358.487 (4).

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

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

13 (o) Farm stands if:

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

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

23 (p) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS
24 **215.291 or section 2 of this 2026 Act.**

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 products as described in ORS 215.255.

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 (z) A farm brewery, as described in ORS 215.449.
24 (2) The following nonfarm uses may be established, subject to the approval of the governing body
25 or its designee in any area zoned for exclusive farm use subject to ORS 215.296:
26 (a) Commercial activities that are in conjunction with farm use, including the processing of farm
27 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.
28 (b) Operations conducted for:
29 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas
30 as defined by ORS 520.005 not otherwise permitted under subsection (1)(f) of this section;
31 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-
32 sources subject to ORS 215.298;
33 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and
34 (D) Processing of other mineral resources and other subsurface resources.
35 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the
36 approval of the county governing body or its designee, a private campground may provide yurts for
37 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,
38 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent
39 foundation. Upon request of a county governing body, the Land Conservation and Development
40 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion
41 of the campgrounds in a county if the commission determines that the increase will comply with the
42 standards described in ORS 215.296 (1). As used in this paragraph, "yurt" means a round, domed
43 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or
44 internal cooking appliance.
45 (d) Parks and playgrounds. A public park may be established consistent with the provisions of

1 ORS 195.120.

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

10 (f) Golf courses on land:

11 (A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or
12 (B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:
13 (i) Is not otherwise described in ORS 195.300 (10);
14 (ii) Is surrounded on all sides by an approved golf course; and
15 (iii) Is west of U.S. Highway 101.

16 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the
17 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-
18 cility may be established as a commercial utility facility as provided in ORS 215.447. A renewable
19 energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (cc) Guest ranches in eastern Oregon, as described in ORS 215.461.

12 (dd) Child care facilities, preschool recorded programs or school-age recorded programs that are:

13 (A) Authorized under ORS 329A.250 to 329A.450;

14 (B) Primarily for the children of residents and workers of the rural area in which the facility
15 or program is located; and

16 (C) Colocated with a community center or a public or private school allowed under this sub-
17 section.

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 5.** ORS 215.755 is amended to read:

36 215.755. [*Subject to the approval of the governing body or its designee, the following dwellings may*
37 *be established*] In any area zoned for forest use under a land use planning goal protecting forestland,
38 provided that the requirements of the acknowledged comprehensive plan, land use regulations and
39 other applicable provisions of law are met, **the county may approve**:

40 (1) **The** alteration, restoration or replacement of a lawfully established dwelling, as described
41 in ORS 215.291 **or section 2 of this 2026 Act**.

42 (2) **The siting of** one manufactured dwelling or recreational vehicle, or the temporary use of
43 an existing building, in conjunction with an existing dwelling as a temporary use for the term of a
44 hardship suffered by the existing resident or a relative of the resident. Within three months of the
45 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-

1 ished or, in the case of an existing building, the building shall be removed, demolished or returned
2 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-
3 view of the hardship claimed under this subsection. A temporary dwelling established under this
4 section [*shall*] **does** not qualify for replacement under the provisions of subsection (1) of this section.

5 (3) **The establishment of** caretaker residences for public parks and public fish hatcheries.

6 _____