

Senate Bill 388

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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**.

Requires conditional use approval for exploration to find mineral resources on land zoned for exclusive farm use.

A BILL FOR AN ACT

1
2 Relating to aggregate mining; amending ORS 215.203, 215.213, 215.246, 215.249, 215.251, 215.263,
3 215.283, 215.304, 215.417, 215.452, 215.453, 215.454, 215.780 and 308A.056 and sections 2 and 3,
4 chapter 462, Oregon Laws 2013.

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

6 **SECTION 1.** ORS 215.213 is amended to read:

7 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
8 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

15 (A) ORS 215.275; or

16 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
17 469.300.

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

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

29 (f) Subject to ORS 215.279, primary or accessory dwellings customarily provided in conjunction
30 with farm use. For a primary dwelling, the dwelling must be on a lot or parcel that is managed as

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 part of a farm operation and is not smaller than the minimum lot size in a farm zone with a minimum
2 lot size acknowledged under ORS 197.251.

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

8 *[(h) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or con-*
9 *struction relating to such operations shall not be a basis for an exception under ORS 197.732 (2)(a) or*
10 *(b).]*

11 *[(i) (h) One manufactured dwelling or recreational vehicle, or the temporary residential use of*
12 *an existing building, in conjunction with an existing dwelling as a temporary use for the term of a*
13 *hardship suffered by the existing resident or a relative of the resident. Within three months of the*
14 *end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-*
15 *ished or, in the case of an existing building, the building shall be removed, demolished or returned*
16 *to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-*
17 *view of the hardship claimed under this paragraph. A temporary residence approved under this*
18 *paragraph is not eligible for replacement under paragraph [(q)] (p) of this subsection.*

19 *[(j) (i) Climbing and passing lanes within the right of way existing as of July 1, 1987.*

20 *[(k) (j) Reconstruction or modification of public roads and highways, including the placement*
21 *of utility facilities overhead and in the subsurface of public roads and highways along the public*
22 *right of way, but not including the addition of travel lanes, where no removal or displacement of*
23 *buildings would occur, or no new land parcels result.*

24 *[(L) (k) Temporary public road and highway detours that will be abandoned and restored to*
25 *original condition or use at such time as no longer needed.*

26 *[(m) (L) Minor betterment of existing public road and highway related facilities, such as main-*
27 *tenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and*
28 *contiguous public-owned property utilized to support the operation and maintenance of public roads*
29 *and highways.*

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

32 *[(o) (n) Creation, restoration or enhancement of wetlands.*

33 *[(p) (o) A winery, as described in ORS 215.452 or 215.453.*

34 *[(q) (p) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, restoration or re-*
35 *placement of a lawfully established dwelling.*

36 *[(r) (q) Farm stands if:*

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

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

1 [(s)] (r) An armed forces reserve center, if the center is within one-half mile of a community
 2 college. For purposes of this paragraph, “armed forces reserve center” includes an armory or Na-
 3 tional Guard support facility.

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

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

24 [(v)] (u) Fire service facilities providing rural fire protection services.

25 [(w)] (v) Irrigation reservoirs, canals, delivery lines and those structures and accessory opera-
 26 tional facilities, not including parks or other recreational structures and facilities, associated with
 27 a district as defined in ORS 540.505.

28 [(x)] (w) Utility facility service lines. Utility facility service lines are utility lines and accessory
 29 facilities or structures that end at the point where the utility service is received by the customer
 30 and that are located on one or more of the following:

31 (A) A public right of way;

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

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

35 [(y)] (x) Subject to the issuance of a license, permit or other approval by the Department of
 36 Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance
 37 with rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land appli-
 38 cation of reclaimed water, agricultural or industrial process water or biosolids for agricultural,
 39 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
 40 exclusive farm use zone under this chapter.

41 [(z)] (y) Dog training classes or testing trials, which may be conducted outdoors or in preexist-
 42 ing farm buildings, when:

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

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

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

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

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

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

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

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

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

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

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

24 (d) Operations conducted for:

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

27 **(B) Exploring for minerals as defined in ORS 517.750. Activity or construction relating**
28 **to operations described in this subparagraph is not a basis for taking an exception under ORS**
29 **197.732 (2)(a) or (b).**

30 [(B)] (C) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface
31 resources subject to ORS 215.298[;].

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

34 [(D)] (E) Processing of other mineral resources and other subsurface resources.

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

1 canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appli-
2 ance.

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

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

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

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

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

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

26 (B) Dog training classes or testing trials that cannot be established under subsection [(1)(z)]
27 (1)(y) of this section.

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

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

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

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

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

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

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

45 (s) A destination resort that is approved consistent with the requirements of any statewide

1 planning goal relating to the siting of a destination resort.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
23 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (i) Planned hours of operation;

20 (ii) Access, egress and parking;

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

23 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

- 1 (A) Must be incidental and subordinate to existing farm use on the tract;
- 2 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 3 (C) May not require that a new permanent structure be built, used or occupied in connection
4 with the agri-tourism or other commercial events or activities;
- 5 (D) Must comply with ORS 215.296;
- 6 (E) May not, in combination with other agri-tourism or other commercial events or activities
7 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 8 (F) Must comply with conditions established for:
- 9 (i) The types of agri-tourism or other commercial events or activities that are authorized during
10 each calendar year, including the number and duration of the agri-tourism or other commercial
11 events and activities, the anticipated daily attendance and the hours of operation;
- 12 (ii) The location of existing structures and the location of proposed temporary structures to be
13 used in connection with the agri-tourism or other commercial events or activities;
- 14 (iii) The location of access and egress and parking facilities to be used in connection with the
15 agri-tourism or other commercial events or activities;
- 16 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
17 public roads; and
- 18 (v) Sanitation and solid waste.
- 19 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
20 or other commercial events or activities that occur more frequently or for a longer period or that
21 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
22 commercial events or activities comply with any local standards that apply and the agri-tourism or
23 other commercial events or activities:
- 24 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
25 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
- 26 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
- 27 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
28 and
- 29 (D) Do not exceed 18 events or activities in a calendar year.
- 30 (12) A holder of a permit authorized by a county under subsection (11)(d) of this section must
31 request review of the permit at four-year intervals. Upon receipt of a request for review, the county
32 shall:
- 33 (a) Provide public notice and an opportunity for public comment as part of the review process;
34 and
- 35 (b) Limit its review to events and activities authorized by the permit, conformance with condi-
36 tions of approval required by the permit and the standards established by subsection (11)(d) of this
37 section.
- 38 (13) For the purposes of subsection (11) of this section:
- 39 (a) A county may authorize the use of temporary structures established in connection with the
40 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-
41 tion. However, the temporary structures must be removed at the end of the agri-tourism or other
42 event or activity. The county may not approve an alteration to the land in connection with an
43 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,
44 including, but not limited to, grading, filling or paving.
- 45 (b) The county may issue the limited use permits authorized by subsection (11)(c) of this section

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

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

9 **SECTION 2.** ORS 215.213, as amended by section 7, chapter 462, Oregon Laws 2013, is amended
 10 to read:

11 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
 12 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

19 (A) ORS 215.275; or

20 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
 21 469.300.

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

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

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

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

42 *[(h) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or con-*
 43 *struction relating to such operations shall not be a basis for an exception under ORS 197.732 (2)(a) or*
 44 *(b).]*

45 *[(i) (h) One manufactured dwelling or recreational vehicle, or the temporary residential use of*

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

8 [(j)] (i) Climbing and passing lanes within the right of way existing as of July 1, 1987.

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

13 [(L)] (k) Temporary public road and highway detours that will be abandoned and restored to
 14 original condition or use at such time as no longer needed.

15 [(m)] (L) Minor betterment of existing public road and highway related facilities, such as main-
 16 tenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and
 17 contiguous public-owned property utilized to support the operation and maintenance of public roads
 18 and highways.

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

21 [(o)] (n) Creation, restoration or enhancement of wetlands.

22 [(p)] (o) A winery, as described in ORS 215.452 or 215.453.

23 [(q)] (p) Alteration, restoration or replacement of a lawfully established dwelling that:

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

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

27 (C) Has interior wiring for interior lights;

28 (D) Has a heating system; and

29 (E) In the case of replacement:

30 (i) Is removed, demolished or converted to an allowable nonresidential use within three months
 31 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of
 32 the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable
 33 siting standards. However, the standards shall not be applied in a manner that prohibits the siting
 34 of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned
 35 for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the
 36 deed records for the county where the property is located a deed restriction prohibiting the siting
 37 of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless
 38 a statement of release is placed in the deed records for the county. The release shall be signed by
 39 the county or its designee and state that the provisions of this paragraph regarding replacement
 40 dwellings have changed to allow the siting of another dwelling. The county planning director or the
 41 director's designee shall maintain a record of the lots and parcels that do not qualify for the siting
 42 of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions
 43 and release statements filed under this paragraph; and

44 (ii) For which the applicant has requested a deferred replacement permit, is removed or demol-
 45 ished within three months after the deferred replacement permit is issued. A deferred replacement

1 permit allows construction of the replacement dwelling at any time. If, however, the established
2 dwelling is not removed or demolished within three months after the deferred replacement permit
3 is issued, the permit becomes void. The replacement dwelling must comply with applicable building
4 codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to
5 siting at the time of construction. A deferred replacement permit may not be transferred, by sale
6 or otherwise, except by the applicant to the spouse or a child of the applicant.

7 [(r)] (q) Farm stands if:

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

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

17 [(s)] (r) An armed forces reserve center, if the center is within one-half mile of a community
18 college. For purposes of this paragraph, “armed forces reserve center” includes an armory or Na-
19 tional Guard support facility.

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

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

40 [(v)] (u) Fire service facilities providing rural fire protection services.

41 [(w)] (v) Irrigation reservoirs, canals, delivery lines and those structures and accessory opera-
42 tional facilities, not including parks or other recreational structures and facilities, associated with
43 a district as defined in ORS 540.505.

44 [(x)] (w) Utility facility service lines. Utility facility service lines are utility lines and accessory
45 facilities or structures that end at the point where the utility service is received by the customer

1 and that are located on one or more of the following:

2 (A) A public right of way;

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

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

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

12 [(z)] (y) Dog training classes or testing trials, which may be conducted outdoors or in preexist-
13 ing farm buildings, when:

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

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

18 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
19 the following uses may be established in any area zoned for exclusive farm use subject to ORS
20 215.296:

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

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

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

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

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

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

37 (c) Commercial activities that are in conjunction with farm use, including the processing of farm
38 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or subsection [(1)(u)] (1)(t) of this sec-
39 tion.

40 (d) Operations conducted for:

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

43 **(B) Exploring for minerals as defined in ORS 517.750. Activity or construction relating**
44 **to operations described in this subparagraph is not a basis for taking an exception under ORS**
45 **197.732 (2)(a) or (b).**

1 ~~[(B)]~~ **(C)** Mining, crushing or stockpiling of aggregate and other mineral and other subsurface
2 resources subject to ORS 215.298[;].

3 ~~[(C)]~~ **(D)** Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement[;
4 *and*].

5 ~~[(D)]~~ **(E)** Processing of other mineral resources and other subsurface resources.

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

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

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

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

30 (i) 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 (j) 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 (k)(A) Commercial dog boarding kennels; or

42 (B) Dog training classes or testing trials that cannot be established under subsection ~~[(1)(z)]~~
43 **(1)(y)** of this section.

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

45 (m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not

1 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
2 shall not include any species under quarantine by the State Department of Agriculture or the United
3 States Department of Agriculture. The county shall provide notice of all applications under this
4 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the
5 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
6 tive decision or initial public hearing on the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
42 a single-family residential dwelling not provided in conjunction with farm use may be established
43 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by
44 the Agricultural Capability Classification System in use by the United States Department of Agri-
45 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval

1 of the governing body or its designee in any area zoned for exclusive farm use upon written findings
2 showing all of the following:

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

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

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

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

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

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

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

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

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

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

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

38 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
39 1948, and July 1, 1983. For the purposes of this section:

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

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

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

1 (b) “Contiguous” means lots, parcels or lots and parcels that have a common boundary, including
 2 but not limited to, lots, parcels or lots and parcels separated only by a public road.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (i) Planned hours of operation;

36 (ii) Access, egress and parking;

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

39 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (D) Must comply with ORS 215.296;

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

24 (F) Must comply with conditions established for:

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

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

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

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

34 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

25 **SECTION 3.** ORS 215.283 is amended to read:

26 215.283. (1) 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) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily
2 provided in conjunction with farm use.

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

8 *[(g) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or con-*
9 *struction relating to such operations shall not be a basis for an exception under ORS 197.732 (2)(a) or*
10 *(b).]*

11 *[(h)]* (g) Climbing and passing lanes within the right of way existing as of July 1, 1987.

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

16 *[(j)]* (i) Temporary public road and highway detours that will be abandoned and restored to or-
17 iginal condition or use at such time as no longer needed.

18 *[(k)]* (j) Minor betterment of existing public road and highway related facilities such as mainte-
19 nance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and
20 contiguous public-owned property utilized to support the operation and maintenance of public roads
21 and highways.

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

24 *[(m)]* (L) Creation, restoration or enhancement of wetlands.

25 *[(n)]* (m) A winery, as described in ORS 215.452 or 215.453.

26 *[(o)]* (n) Farm stands if:

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

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

36 *[(p)]* (o) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, restoration or re-
37 placement of a lawfully established dwelling.

38 *[(q)]* (p) A site for the takeoff and landing of model aircraft, including such buildings or facilities
39 as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in
40 floor area or placed on a permanent foundation unless the building or facility preexisted the use
41 approved under this paragraph. The site shall not include an aggregate surface or hard surface area
42 unless the surface preexisted the use approved under this paragraph. An owner of property used for
43 the purpose authorized in this paragraph may charge a person operating the use on the property
44 rent for the property. An operator may charge users of the property a fee that does not exceed the
45 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model

1 aircraft” means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
 2 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
 3 ground.

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

13 [(s)] (r) Fire service facilities providing rural fire protection services.

14 [(t)] (s) Irrigation reservoirs, canals, delivery lines and those structures and accessory opera-
 15 tional facilities, not including parks or other recreational structures and facilities, associated with
 16 a district as defined in ORS 540.505.

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

20 (A) A public right of way;

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

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

24 [(v)] (u) Subject to the issuance of a license, permit or other approval by the Department of
 25 Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance
 26 with rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land appli-
 27 cation of reclaimed water, agricultural or industrial process water or biosolids for agricultural,
 28 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
 29 exclusive farm use zone under this chapter.

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

33 [(x)] (w) Dog training classes or testing trials, which may be conducted outdoors or in preex-
 34 isting farm buildings, when:

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

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

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

41 (a) Commercial activities that are in conjunction with farm use, including the processing of farm
 42 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or subsection [(1)(r)] (1)(q) of this sec-
 43 tion.

44 (b) Operations conducted for:

45 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas

1 as defined by ORS 520.005 not otherwise permitted under subsection (1)(f) of this section[;].

2 **(B) Exploring for minerals as defined in ORS 517.750. Activity or construction relating**
3 **to operations described in this subparagraph is not a basis for taking an exception under ORS**
4 **197.732 (2)(a) or (b).**

5 [(B)] (C) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface
6 resources subject to ORS 215.298[;].

7 [(C)] (D) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement[;
8 and].

9 [(D)] (E) Processing of other mineral resources and other subsurface resources.

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

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

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

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

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

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

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

42 (j) A facility for the primary processing of forest products, provided that such facility is found
43 to not seriously interfere with accepted farming practices and is compatible with farm uses de-
44 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is
45 renewable. These facilities are intended to be only portable or temporary in nature. The primary

1 processing of a forest product, as used in this section, means the use of a portable chipper or stud
 2 mill or other similar methods of initial treatment of a forest product in order to enable its shipment
 3 to market. Forest products, as used in this section, means timber grown upon a parcel of land or
 4 contiguous land where the primary processing facility is located.

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

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

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

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

18 (B) Dog training classes or testing trials that cannot be established under subsection [(1)(x)]
 19 **(1)(w)** of this section.

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

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

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

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

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

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

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

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

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

42 (x) A living history museum related to resource based activities owned and operated by a gov-
 43 ernmental agency or a local historical society, together with limited commercial activities and fa-
 44 cilities that are directly related to the use and enjoyment of the museum and located within
 45 authentic buildings of the depicted historic period or the museum administration building, if areas

1 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
2 the museum administration buildings and parking lot are located within one quarter mile of an ur-
3 ban growth boundary. As used in this paragraph:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (i) Planned hours of operation;

45 (ii) Access, egress and parking;

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

3 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

30 (D) Must comply with ORS 215.296;

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

33 (F) Must comply with conditions established for:

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

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

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

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

43 (v) Sanitation and solid waste.

44 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
 45 or other commercial events or activities that occur more frequently or for a longer period or that

1 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
 2 commercial events or activities comply with any local standards that apply and the agri-tourism or
 3 other commercial events or activities:

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

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

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

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

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

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

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

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

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

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

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

34 **SECTION 4.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, is amended
 35 to read:

36 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

43 (A) ORS 215.275; or

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

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

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

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

18 *[(g) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or con-
 19 struction relating to such operations shall not be a basis for an exception under ORS 197.732 (2)(a) or
 20 (b).]*

21 *[(h)]* (g) Climbing and passing lanes within the right of way existing as of July 1, 1987.

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

26 *[(j)]* (i) Temporary public road and highway detours that will be abandoned and restored to or-
 27 iginal condition or use at such time as no longer needed.

28 *[(k)]* (j) Minor betterment of existing public road and highway related facilities such as mainte-
 29 nance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and
 30 contiguous public-owned property utilized to support the operation and maintenance of public roads
 31 and highways.

32 *[(L)]* (k) A replacement dwelling to be used in conjunction with farm use if the existing dwelling
 33 has been listed in a county inventory as historic property as defined in ORS 358.480.

34 *[(m)]* (L) Creation, restoration or enhancement of wetlands.

35 *[(n)]* (m) A winery, as described in ORS 215.452 or 215.453.

36 *[(o)]* (n) Farm stands if:

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

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

1 [(p)] (o) Alteration, restoration or replacement of a lawfully established dwelling that:

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

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

5 (C) Has interior wiring for interior lights;

6 (D) Has a heating system; and

7 (E) In the case of replacement:

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

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

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

41 [(r)] (q) A facility for the processing of farm crops or for the production of biofuel, as defined
42 in ORS 315.141, if the facility is located on a farm operation that provides at least one-quarter of
43 the farm crops processed at the facility, or an establishment for the slaughter, processing or selling
44 of poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the
45 processing facility or establishment, the farm operator may not devote more than 10,000 square feet

1 of floor area to the processing facility or establishment, exclusive of the floor area designated for
 2 preparation, storage or other farm use. A processing facility or establishment must comply with all
 3 applicable siting standards but the standards may not be applied in a manner that prohibits the
 4 siting of the processing facility or establishment.

5 [(s)] (r) Fire service facilities providing rural fire protection services.

6 [(t)] (s) Irrigation reservoirs, canals, delivery lines and those structures and accessory opera-
 7 tional facilities, not including parks or other recreational structures and facilities, associated with
 8 a district as defined in ORS 540.505.

9 [(u)] (t) Utility facility service lines. Utility facility service lines are utility lines and accessory
 10 facilities or structures that end at the point where the utility service is received by the customer
 11 and that are located on one or more of the following:

12 (A) A public right of way;

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

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

16 [(v)] (u) Subject to the issuance of a license, permit or other approval by the Department of
 17 Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance
 18 with rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land appli-
 19 cation of reclaimed water, agricultural or industrial process water or biosolids for agricultural,
 20 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
 21 exclusive farm use zone under this chapter.

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

25 [(x)] (w) Dog training classes or testing trials, which may be conducted outdoors or in preex-
 26 isting farm buildings, when:

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

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

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)] (1)(q) of this sec-
 35 tion.

36 (b) Operations conducted for:

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

39 **(B) Exploring for minerals as defined in ORS 517.750. Activity or construction relating**
 40 **to operations described in this subparagraph is not a basis for taking an exception under ORS**
 41 **197.732 (2)(a) or (b).**

42 [(B)] (C) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface
 43 resources subject to ORS 215.298[;].

44 [(C)] (D) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement[;
 45 and].

1 ~~[(D)]~~ **(E)** Processing of other mineral resources and other subsurface resources.

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

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

14 (e) Community centers owned by a governmental agency or a nonprofit community organization
15 and operated primarily by and for residents of the local rural community. A community center au-
16 thorized under this paragraph may provide services to veterans, including but not limited to emer-
17 gency and transitional shelter, preparation and service of meals, vocational and educational
18 counseling and referral to local, state or federal agencies providing medical, mental health, disability
19 income replacement and substance abuse services, only in a facility that is in existence on January
20 1, 2006. The services may not include direct delivery of medical, mental health, disability income
21 replacement or substance abuse services.

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

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

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

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

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

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

45 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an

1 existing building, in conjunction with an existing dwelling as a temporary use for the term of a
 2 hardship suffered by the existing resident or a relative of the resident. Within three months of the
 3 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-
 4 ished or, in the case of an existing building, the building shall be removed, demolished or returned
 5 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-
 6 view of the hardship claimed under this paragraph. A temporary residence approved under this
 7 paragraph is not eligible for replacement under subsection [(1)(p)] **(1)(o)** of this section.

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

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

10 (B) Dog training classes or testing trials that cannot be established under subsection [(1)(x)]
 11 **(1)(w)** of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (i) Planned hours of operation;

37 (ii) Access, egress and parking;

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

40 (iv) Sanitation and solid waste.

41 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
42 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
43 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
44 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
45 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.

1 To approve an expedited, single-event license, the governing body of a county or its designee must
 2 determine that the proposed agri-tourism or other commercial event or activity meets any local
 3 standards that apply, and the agri-tourism or other commercial event or activity:

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

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

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

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

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

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

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

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

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

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

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

22 (D) Must comply with ORS 215.296;

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

25 (F) Must comply with conditions established for:

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

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

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

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

35 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

26 **SECTION 5.** ORS 215.203 is amended to read:

27 215.203. (1) Zoning ordinances may be adopted to zone designated areas of land within the
28 county as exclusive farm use zones. Land within such zones shall be used exclusively for farm use
29 except as otherwise provided in ORS 215.213, 215.283 or 215.284. Farm use zones shall be established
30 only when such zoning is consistent with the comprehensive plan.

31 (2)(a) As used in this section, “farm use” means the current employment of land for the primary
32 purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding,
33 breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or
34 honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural
35 use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage
36 and disposal by marketing or otherwise of the products or by-products raised on such land for hu-
37 man or animal use. “Farm use” also includes the current employment of land for the primary pur-
38 pose of obtaining a profit in money by stabling or training equines including but not limited to
39 providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propa-
40 gation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under
41 the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules
42 adopted by the commission. “Farm use” includes the on-site construction and maintenance of
43 equipment and facilities used for the activities described in this subsection. “Farm use” does not
44 include the use of land subject to the provisions of ORS chapter 321, except land used exclusively
45 for growing cultured Christmas trees as defined in subsection (3) of this section or land described

1 in ORS 321.267 (3) or 321.824 (3).

2 (b) “Current employment” of land for farm use includes:

3 (A) Farmland, the operation or use of which is subject to any farm-related government program;

4 (B) Land lying fallow for one year as a normal and regular requirement of good agricultural
5 husbandry;

6 (C) Land planted in orchards or other perennials, other than land specified in subparagraph (D)
7 of this paragraph, prior to maturity;

8 (D) Land not in an exclusive farm use zone which has not been eligible for assessment at special
9 farm use value in the year prior to planting the current crop and has been planted in orchards,
10 cultured Christmas trees or vineyards for at least three years;

11 (E) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically
12 tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and
13 which is not currently being used for any economic farm use;

14 (F) Except for land under a single family dwelling, land under buildings supporting accepted
15 farm practices, including the processing facilities allowed by ORS 215.213 [(1)(u)] (1)(t) and 215.283
16 [(1)(r)] (1)(q) and the processing of farm crops into biofuel as commercial activities in conjunction
17 with farm use under ORS 215.213 (2)(c) and 215.283 (2)(a);

18 (G) Water impoundments lying in or adjacent to and in common ownership with farm use land;

19 (H) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the
20 owner of land specially valued for farm use even if the land constituting the woodlot is not utilized
21 in conjunction with farm use;

22 (I) Land lying idle for no more than one year where the absence of farming activity is due to
23 the illness of the farmer or member of the farmer’s immediate family. For purposes of this paragraph,
24 illness includes injury or infirmity whether or not such illness results in death;

25 (J) Any land described under ORS 321.267 (3) or 321.824 (3); and

26 (K) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:

27 (i) Only the crops of the landowner are being processed;

28 (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm
29 of the landowner; or

30 (iii) The landowner is custom processing crops into biofuel from other landowners in the area
31 for their use or sale.

32 (c) As used in this subsection, “accepted farming practice” means a mode of operation that is
33 common to farms of a similar nature, necessary for the operation of such farms to obtain a profit
34 in money, and customarily utilized in conjunction with farm use.

35 (3) “Cultured Christmas trees” means trees:

36 (a) Grown on lands used exclusively for that purpose, capable of preparation by intensive culti-
37 vation methods such as plowing or turning over the soil;

38 (b) Of a marketable species;

39 (c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as
40 specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

41 (d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed
42 and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and
43 disease control, stump culture, soil cultivation, irrigation.

44 **SECTION 6.** ORS 215.246 is amended to read:

45 215.246. (1) The uses allowed under ORS 215.213 [(1)(y)] (1)(x) and 215.283 [(1)(v)] (1)(u):

1 (a) Require a determination by the Department of Environmental Quality, in conjunction with
 2 the department's review of a license, permit or approval, that the application rates and site man-
 3 agement practices for the land application of reclaimed water, agricultural or industrial process
 4 water or biosolids ensure continued agricultural, horticultural or silvicultural production and do not
 5 reduce the productivity of the tract.

6 (b) Are not subject to other provisions of ORS 215.213 or 215.283 or to the provisions of ORS
 7 215.274, 215.275 or 215.296.

8 (2) The use of a tract of land on which the land application of reclaimed water, agricultural or
 9 industrial process water or biosolids has occurred under this section may not be changed to allow
 10 a different use unless:

11 (a) The tract is included within an acknowledged urban growth boundary;

12 (b) The tract is rezoned to a zone other than an exclusive farm use zone;

13 (c) The different use of the tract is a farm use as defined in ORS 215.203; or

14 (d) The different use of the tract is a use allowed under:

15 (A) ORS 215.213 (1)(b), (d) to (f), [(i) to (n), (p) to (r), (u), (w) or (x)] **(h) to (m), (o) to (q), (t),**
 16 **(v) or (w);**

17 (B) ORS 215.213 (2)(a) to (c), (i), (m) or (p) to (r);

18 (C) ORS 215.213 (11);

19 (D) ORS 215.283 (1)(b), (d), (e), [(h) to (L), (n) to (p), (r), (t) or (u)] **(g) to (k), (m) to (o), (q), (s)**
 20 **or (t);**

21 (E) ORS 215.283 (2)(a), (j), (L) or (p) to (s); or

22 (F) ORS 215.283 (4).

23 (3) When a state agency or a local government makes a land use decision relating to the land
 24 application of reclaimed water, agricultural or industrial process water or biosolids under a license,
 25 permit or approval by the Department of Environmental Quality, the applicant shall explain in
 26 writing how alternatives identified in public comments on the land use decision were considered and,
 27 if the alternatives are not used, explain in writing the reasons for not using the alternatives. The
 28 applicant must consider only those alternatives that are identified with sufficient specificity to af-
 29 ford the applicant an adequate opportunity to consider the alternatives. A land use decision relating
 30 to the land application of reclaimed water, agricultural or industrial process water or biosolids may
 31 not be reversed or remanded under this subsection unless the applicant failed to consider identified
 32 alternatives or to explain in writing the reasons for not using the alternatives.

33 (4) The uses allowed under this section include:

34 (a) The treatment of reclaimed water, agricultural or industrial process water or biosolids that
 35 occurs as a result of the land application;

36 (b) The establishment and use of facilities, including buildings, equipment, aerated and
 37 nonaerated water impoundments, pumps and other irrigation equipment, that are accessory to and
 38 reasonably necessary for the land application to occur on the subject tract;

39 (c) The establishment and use of facilities, including buildings and equipment, that are not on
 40 the tract on which the land application occurs for the transport of reclaimed water, agricultural or
 41 industrial process water or biosolids to the tract on which the land application occurs if the facili-
 42 ties are located within:

43 (A) A public right of way; or

44 (B) Other land if the landowner provides written consent and the owner of the facility complies
 45 with ORS 215.275 (4); and

1 (d) The transport by vehicle of reclaimed water or agricultural or industrial process water to
2 a tract on which the water will be applied to land.

3 (5) Uses not allowed under this section include:

4 (a) The establishment and use of facilities, including buildings or equipment, for the treatment
5 of reclaimed water, agricultural or industrial process water or biosolids other than those treatment
6 facilities related to the treatment that occurs as a result of the land application; or

7 (b) The establishment and use of utility facility service lines allowed under ORS 215.213 [(1)(x)]
8 (1)(w) or 215.283 [(1)(u)] (1)(t).

9 **SECTION 7.** ORS 215.249 is amended to read:

10 215.249. Notwithstanding ORS 215.263, the governing body of a county or its designee may not
11 approve a proposed division of land in an exclusive farm use zone for the land application of re-
12 claimed water, agricultural or industrial process water or biosolids described in ORS 215.213
13 [(1)(y)] (1)(x) or 215.283 [(1)(v)] (1)(t).

14 **SECTION 8.** ORS 215.251 is amended to read:

15 215.251. Nothing in ORS 215.213 [(1)(y)] (1)(x), 215.246 to 215.249 or 215.283 [(1)(v)] (1)(u) affects
16 whether the land application of a substance not described in ORS 215.213 [(1)(y)] (1)(x), 215.246 to
17 215.249 or 215.283 [(1)(v)] (1)(u) is a farm use as defined in ORS 215.203.

18 **SECTION 9.** ORS 215.263 is amended to read:

19 215.263. (1) Any proposed division of land included within an exclusive farm use zone resulting
20 in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the
21 governing body or its designee of the county in which the land is situated. The governing body of
22 a county by ordinance shall require prior review and approval for divisions of land within exclusive
23 farm use zones established within the county.

24 (2) The governing body of a county or its designee may approve a proposed division of land to
25 create parcels for farm use as defined in ORS 215.203 if it finds:

26 (a) That the proposed division of land is appropriate for the continuation of the existing com-
27 mercial agricultural enterprise within the area; or

28 (b) The parcels created by the proposed division are not smaller than the minimum size estab-
29 lished under ORS 215.780.

30 (3) The governing body of a county or its designee may approve a proposed division of land in
31 an exclusive farm use zone for nonfarm uses, except dwellings, set out in ORS 215.213 (2) or 215.283
32 (2) if it finds that the parcel for the nonfarm use is not larger than the minimum size necessary for
33 the use. The governing body may establish other criteria as it considers necessary.

34 (4) In western Oregon, as defined in ORS 321.257, but not in the Willamette Valley, as defined
35 in ORS 215.010, the governing body of a county or its designee:

36 (a) May approve a division of land in an exclusive farm use zone to create up to two new parcels
37 smaller than the minimum size established under ORS 215.780, each to contain a dwelling not pro-
38 vided in conjunction with farm use if:

39 (A) The nonfarm dwellings have been approved under ORS 215.213 (3) or 215.284 (2) or (3);

40 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully
41 created prior to July 1, 2001;

42 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with
43 the minimum size established under ORS 215.780;

44 (D) The remainder of the original lot or parcel that does not contain the nonfarm dwellings
45 complies with the minimum size established under ORS 215.780; and

1 (E) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm
2 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-
3 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-
4 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or
5 forest use in conjunction with other land.

6 (b) May approve a division of land in an exclusive farm use zone to divide a lot or parcel into
7 two parcels, each to contain one dwelling not provided in conjunction with farm use if:

8 (A) The nonfarm dwellings have been approved under ORS 215.284 (2) or (3);

9 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully
10 created prior to July 1, 2001;

11 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or
12 smaller than the minimum size established under ORS 215.780 but equal to or larger than 40 acres;

13 (D) The parcels for the nonfarm dwellings are:

14 (i) Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber;
15 and

16 (ii) Composed of at least 90 percent Class VI through VIII soils;

17 (E) The parcels for the nonfarm dwellings do not have established water rights for irrigation;
18 and

19 (F) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm
20 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-
21 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-
22 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or
23 forest use in conjunction with other land.

24 (5) In eastern Oregon, as defined in ORS 321.805, the governing body of a county or its designee:

25 (a) May approve a division of land in an exclusive farm use zone to create up to two new parcels
26 smaller than the minimum size established under ORS 215.780, each to contain a dwelling not pro-
27 vided in conjunction with farm use if:

28 (A) The nonfarm dwellings have been approved under ORS 215.284 (7);

29 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully
30 created prior to July 1, 2001;

31 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with
32 the minimum size established under ORS 215.780;

33 (D) The remainder of the original lot or parcel that does not contain the nonfarm dwellings
34 complies with the minimum size established under ORS 215.780; and

35 (E) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm
36 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-
37 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-
38 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or
39 forest use in conjunction with other land.

40 (b) May approve a division of land in an exclusive farm use zone to divide a lot or parcel into
41 two parcels, each to contain one dwelling not provided in conjunction with farm use if:

42 (A) The nonfarm dwellings have been approved under ORS 215.284 (7);

43 (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully
44 created prior to July 1, 2001;

45 (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or

1 smaller than the minimum size established under ORS 215.780 but equal to or larger than 40 acres;

2 (D) The parcels for the nonfarm dwellings are:

3 (i) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber;
4 and

5 (ii) Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90
6 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage
7 for grazing livestock. The Land Conservation and Development Commission, in cooperation with the
8 State Department of Agriculture and other interested persons, may establish by rule objective cri-
9 teria for identifying units of land that are not capable of producing adequate herbaceous forage for
10 grazing livestock. In developing the criteria, the commission shall use the latest information from
11 the United States Natural Resources Conservation Service and consider costs required to utilize
12 grazing lands that differ in acreage and productivity level;

13 (E) The parcels for the nonfarm dwellings do not have established water rights for irrigation;
14 and

15 (F) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm
16 crops and livestock or merchantable tree species considering the terrain, adverse soil or land con-
17 ditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be con-
18 sidered unsuitable based solely on size or location if the parcel can reasonably be put to farm or
19 forest use in conjunction with other land.

20 (6) This section does not apply to the creation or sale of cemetery lots, if a cemetery is within
21 the boundaries designated for a farm use zone at the time the zone is established.

22 (7) This section does not apply to divisions of land resulting from lien foreclosures or divisions
23 of land resulting from foreclosure of recorded contracts for the sale of real property.

24 (8) The governing body of a county may not approve any proposed division of a lot or parcel
25 described in ORS 215.213 (1)(d) or [(i)] **(h)**, 215.283 (1)(d) or (2)(L) or 215.284 (1), or a proposed divi-
26 sion that separates a processing facility from the farm operation specified in ORS 215.213 [(1)(u)]
27 **(1)(t)** or 215.283 [(1)(r)] **(1)(q)**.

28 (9) The governing body of a county may approve a proposed division of land in an exclusive farm
29 use zone to create a parcel with an existing dwelling to be used:

30 (a) As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved
31 under ORS 215.213 (3) or 215.284 (1), (2), (3), (4) or (7); and

32 (b) For historic property that meets the requirements of ORS 215.213 [(1)(n)] **(1)(m)** and 215.283
33 [(1)(L)] **(1)(k)**.

34 (10)(a) Notwithstanding ORS 215.780, the governing body of a county or its designee may ap-
35 prove a proposed division of land provided:

36 (A) The land division is for the purpose of allowing a provider of public parks or open space,
37 or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels;
38 and

39 (B) A parcel created by the land division that contains a dwelling is large enough to support
40 continued residential use of the parcel.

41 (b) A parcel created pursuant to this subsection that does not contain a dwelling:

42 (A) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

43 (B) May not be considered in approving or denying an application for siting any other dwelling;

44 (C) May not be considered in approving a redesignation or rezoning of forestlands except for a
45 redesignation or rezoning to allow a public park, open space or other natural resource use; and

1 (D) May not be smaller than 25 acres unless the purpose of the land division is:

2 (i) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a
3 wildlife habitat protection plan; or

4 (ii) To allow a transaction in which at least one party is a public park or open space provider,
5 or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000
6 acres of open space or park property.

7 (11) The governing body of a county or its designee may approve a division of land smaller than
8 the minimum lot or parcel size described in ORS 215.780 (1) and (2) in an exclusive farm use zone
9 provided:

10 (a) The division is for the purpose of establishing a church, including cemeteries in conjunction
11 with the church;

12 (b) The church has been approved under ORS 215.213 (1) or 215.283 (1);

13 (c) The newly created lot or parcel is not larger than five acres; and

14 (d) The remaining lot or parcel, not including the church, meets the minimum lot or parcel size
15 described in ORS 215.780 (1) and (2) either by itself or after it is consolidated with another lot or
16 parcel.

17 (12) Notwithstanding the minimum lot or parcel size described in ORS 215.780 (1) or (2), the
18 governing body of a county or its designee may approve a proposed division of land in an exclusive
19 farm use zone for the nonfarm uses set out in ORS 215.213 [(1)(v)] **(1)(u)** or 215.283 [(1)(s)] **(1)(r)** if
20 it finds that the parcel for the nonfarm use is not larger than the minimum size necessary for the
21 use. The governing body may establish other criteria as it considers necessary.

22 (13) The governing body of a county may not approve a division of land for nonfarm use under
23 subsection (3), (4), (5), (9), (10), (11) or (12) of this section unless any additional tax imposed for the
24 change in use has been paid.

25 (14) Parcels used or to be used for training or stabling facilities may not be considered appro-
26 priate to maintain the existing commercial agricultural enterprise in an area where other types of
27 agriculture occur.

28 **SECTION 10.** ORS 215.304 is amended to read:

29 215.304. (1) The Land Conservation and Development Commission shall not adopt or implement
30 any rule to identify or designate small-scale farmland or secondary land.

31 (2) Amendments required to conform rules to the provisions of subsection (1) of this section and
32 ORS 215.700 to 215.780 shall be adopted by March 1, 1994.

33 (3) Any portion of a rule inconsistent with the provisions of ORS 197.247 (1991 Edition), 215.213,
34 215.214 (1991 Edition), 215.288 (1991 Edition), 215.317, 215.327 and 215.337 (1991 Edition) or 215.700
35 to 215.780 on March 1, 1994:

36 (a) Shall not be implemented or enforced; and

37 (b) Has no legal effect.

38 (4) Notwithstanding subsection (3) of this section, the uses authorized by ORS 215.283 [(1)(x)]
39 **(1)(w)** or (2)(n) may be established on land in exclusive farm use zones, including high-value
40 farmland.

41 **SECTION 11.** Section 2, chapter 462, Oregon Laws 2013, is amended to read:

42 **Sec. 2.** (1) A lawfully established dwelling may be altered, restored or replaced under ORS
43 215.213 [(1)(q)] **(1)(p)** or 215.283 [(1)(p)] **(1)(o)** in the manner provided by either subsection (2) or (3)
44 of this section.

45 (2) The dwelling may be altered, restored or replaced if, when an application for a permit is

1 submitted, the permitting authority:

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

4 (A) Intact exterior walls and roof structure;

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

7 (C) Interior wiring for interior lights; and

8 (D) A heating system; and

9 (b) Finds that the dwelling was assessed as a dwelling for purposes of ad valorem taxation for
10 the lesser of:

11 (A) The previous five property tax years unless the value of the dwelling was eliminated as a
12 result of the destruction, or demolition in the case of restoration, of the dwelling; or

13 (B) From the time when the dwelling was erected upon or affixed to the land and became subject
14 to assessment as described in ORS 307.010 unless the value of the dwelling was eliminated as a re-
15 sult of the destruction, or demolition in the case of restoration, of the dwelling.

16 (3) The dwelling may be altered, restored or replaced if, when an application for a permit is
17 submitted, the dwelling meets the requirements of subsection (2)(a) of this section, the dwelling does
18 not meet the requirement of subsection (2)(b) of this section, and the applicant establishes to the
19 satisfaction of the permitting authority that the dwelling was improperly removed from the tax roll
20 by a person other than the current owner.

21 (4) For replacement of a lawfully established dwelling under ORS 215.213 [(1)(q)] **(1)(p)** or
22 215.283 [(1)(p)] **(1)(o)**:

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

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

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

31 (b) The replacement dwelling:

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

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

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

43 (5)(a) Notwithstanding subsection (4)(b)(A) of this section, paragraph (b) of this subsection ap-
44 plies when a replacement dwelling under ORS 215.213 [(1)(q)] **(1)(p)** or 215.283 [(1)(p)] **(1)(o)** qualifies
45 for replacement:

1 (A) Under subsection (2) of this section because the dwelling formerly had the features described
2 in subsection (2) of this section;

3 (B) Under subsection (3) of this section; or

4 (C) Under a permit described in section 3, **chapter 462, Oregon Laws 2013** [*of this 2013 Act*].

5 (b) The replacement dwelling must be sited on the same lot or parcel:

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

8 (B) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the
9 area, within a concentration or cluster of structures or within 500 yards of another structure.

10 (6) The county planning director, or the director's designee, shall maintain a record of the lots
11 and parcels that do not qualify for the siting of a new dwelling under subsection (4) of this section,
12 including a copy of the deed restrictions filed under subsection (4) of this section.

13 (7) If an applicant is granted a deferred replacement permit under this section:

14 (a) The deferred replacement permit:

15 (A) Does not expire but, notwithstanding subsection (4)(a)(A) of this section, the permit becomes
16 void unless the dwelling to be replaced is removed or demolished within three months after the de-
17 ferred replacement permit is issued; and

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

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

24 (8) As used in this section, "improperly removed" means, with respect to a dwelling removed
25 from the tax roll, that:

26 (a) The dwelling has taxable value in its present state, or had taxable value when the dwelling:

27 (A) Was first removed from the tax roll; or

28 (B) Was destroyed by fire or other act of God; and

29 (b) The county stopped assessing the dwelling even though the current owner did not request
30 removal of the dwelling from the tax roll.

31 **SECTION 12.** Section 3, chapter 462, Oregon Laws 2013, is amended to read:

32 **Sec. 3.** A permit for a replacement dwelling that was issued under ORS 215.213 [(1)(q)] (1)(p)
33 or 215.283 [(1)(p)] (1)(o) and became void before [*the effective date of this 2013 Act*] **January 1, 2014**,
34 shall be deemed to be valid and effective if, within one year after [*the effective date of this 2013*
35 *Act*] **January 1, 2014**, the holder of the permit:

36 (1) Removes, demolishes or converts to an allowable nonresidential use the dwelling to be re-
37 placed; and

38 (2) Causes to be recorded in the deed records of the county a statement that the dwelling to be
39 replaced has been removed, demolished or converted.

40 **SECTION 13.** ORS 215.417, as amended by section 9, chapter 462, Oregon Laws 2013, is
41 amended to read:

42 215.417. (1) If a permit is approved under ORS 215.416 for a proposed residential development
43 on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293
44 or 215.317 to 215.438 or under county legislation or regulation, the permit shall be valid for four
45 years.

1 (2) An extension of a permit described in subsection (1) of this section shall be valid for two
2 years.

3 (3) For the purposes of this section, “residential development” only includes the dwellings pro-
4 vided for under ORS 215.213 [(1)(q)] (1)(p), (3) and (4), 215.283 [(1)(p)] (1)(o), 215.284, 215.317, 215.705
5 (1) to (3), 215.720, 215.740, 215.750 and 215.755 (1) and (3).

6 **SECTION 14.** ORS 215.452 is amended to read:

7 215.452. (1) A winery may be established as a permitted use on land zoned for exclusive farm
8 use under ORS 215.213 [(1)(p)] (1)(o) and 215.283 [(1)(n)] (1)(m) or on land zoned for mixed farm and
9 forest use if the winery produces wine with a maximum annual production of:

10 (a) Less than 50,000 gallons and:

11 (A) Owns an on-site vineyard of at least 15 acres;

12 (B) Owns a contiguous vineyard of at least 15 acres;

13 (C) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a
14 vineyard contiguous to the winery; or

15 (D) Obtains grapes from any combination of subparagraph (A), (B) or (C) of this paragraph; or

16 (b) At least 50,000 gallons and the winery:

17 (A) Owns an on-site vineyard of at least 40 acres;

18 (B) Owns a contiguous vineyard of at least 40 acres;

19 (C) Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a
20 vineyard contiguous to the winery;

21 (D) Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at
22 least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site;
23 or

24 (E) Obtains grapes from any combination of subparagraph (A), (B), (C) or (D) of this paragraph.

25 (2) In addition to producing and distributing wine, a winery established under this section may:

26 (a) Market and sell wine produced in conjunction with the winery.

27 (b) Conduct operations that are directly related to the sale or marketing of wine produced in
28 conjunction with the winery, including:

29 (A) Wine tastings in a tasting room or other location on the premises occupied by the winery;

30 (B) Wine club activities;

31 (C) Winemaker luncheons and dinners;

32 (D) Winery and vineyard tours;

33 (E) Meetings or business activities with winery suppliers, distributors, wholesale customers and
34 wine-industry members;

35 (F) Winery staff activities;

36 (G) Open house promotions of wine produced in conjunction with the winery; and

37 (H) Similar activities conducted for the primary purpose of promoting wine produced in con-
38 junction with the winery.

39 (c) Market and sell items directly related to the sale or promotion of wine produced in con-
40 junction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine,
41 including food and beverages:

42 (A) Required to be made available in conjunction with the consumption of wine on the premises
43 by the Liquor Control Act or rules adopted under the Liquor Control Act; or

44 (B) Served in conjunction with an activity authorized by paragraph (b), (d) or (e) of this sub-
45 section.

1 (d) Carry out agri-tourism or other commercial events on the tract occupied by the winery
2 subject to subsections (5), (6), (7) and (8) of this section.

3 (e) Host charitable activities for which the winery does not charge a facility rental fee.

4 (3) A winery may include on-site kitchen facilities licensed by the Oregon Health Authority un-
5 der ORS 624.010 to 624.121 for the preparation of food and beverages described in subsection (2)(c)
6 of this section. Food and beverage services authorized under subsection (2)(c) of this section may
7 not utilize menu options or meal services that cause the kitchen facilities to function as a café or
8 other dining establishment open to the public.

9 (4) The gross income of the winery from the sale of incidental items or services provided pur-
10 suant to subsection (2)(c) to (e) of this section may not exceed 25 percent of the gross income from
11 the on-site retail sale of wine produced in conjunction with the winery. The gross income of a
12 winery does not include income received by third parties unaffiliated with the winery. At the request
13 of a local government with land use jurisdiction over the site of a winery, the winery shall submit
14 to the local government a written statement that is prepared by a certified public accountant and
15 certifies the compliance of the winery with this subsection for the previous tax year.

16 (5) A winery may carry out up to 18 days of agri-tourism or other commercial events annually
17 on the tract occupied by the winery.

18 (6) For events described in subsection (5) of this section for a winery in the Willamette Valley:

19 (a) Events on the first six days of the 18-day limit per calendar year must be authorized by the
20 local government through the issuance of a renewable multi-year license that:

21 (A) Has a term of five years; and

22 (B) Is subject to an administrative review to determine necessary conditions pursuant to sub-
23 section (7) of this section.

24 (b) The local government's decision on a license under paragraph (a) of this subsection is not:

25 (A) A land use decision, as defined in ORS 197.015, and is not subject to review by the Land
26 Use Board of Appeals.

27 (B) A permit, as defined in ORS 215.402 or 227.160.

28 (c) Events on days seven through 18 of the 18-day limit per calendar year must be authorized
29 by the local government through the issuance of a renewable multi-year permit that:

30 (A) Has a term of five years;

31 (B) Is subject to an administrative review to determine necessary conditions pursuant to sub-
32 section (7) of this section; and

33 (C) Is subject to notice as specified in ORS 215.416 (11) or 227.175 (10).

34 (d) The local government's decision on a permit under paragraph (c) of this subsection is:

35 (A) A land use decision, as defined in ORS 197.015, and is subject to review by the Land Use
36 Board of Appeals.

37 (B) A permit, as defined in ORS 215.402 or 227.160.

38 (7) As necessary to ensure that agri-tourism or other commercial events on a tract occupied by
39 a winery are subordinate to the production and sale of wine and do not create significant adverse
40 impacts to uses on surrounding land, the local government may impose conditions on a license or
41 permit issued pursuant to subsection (6) of this section related to:

42 (a) The number of event attendees;

43 (b) The hours of event operation;

44 (c) Access and parking;

45 (d) Traffic management;

1 (e) Noise management; and

2 (f) Sanitation and solid waste.

3 (8) A local government may charge a fee for processing a license or permit under subsections
4 (6) and (7) of this section. A fee may not exceed the actual or average cost of providing the appli-
5 cable licensing or permitting service.

6 (9) A winery operating under this section shall provide parking for all activities or uses of the
7 lot, parcel or tract on which the winery is established.

8 (10) Prior to the issuance of a permit to establish a winery under this section, the applicant shall
9 show that vineyards described in subsection (1) of this section have been planted or that the con-
10 tract has been executed, as applicable.

11 (11) A local government shall apply the standards described in this subsection. Standards im-
12 posed on the siting of a winery shall be limited solely to each of the following for the sole purpose
13 of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:

14 (a) Establishment of a setback of at least 100 feet from all property lines for the winery and all
15 public gathering places unless the local government grants an adjustment or variance allowing a
16 setback of less than 100 feet; and

17 (b) Provision of direct road access and internal circulation.

18 (12) A local government shall apply:

19 (a) Local criteria regarding floodplains, geologic hazards, the Willamette River Greenway, solar
20 access and airport safety;

21 (b) Regulations of general applicability for the public health and safety; and

22 (c) Regulations for resource protection acknowledged to comply with any statewide goal re-
23 specting open spaces, scenic and historic areas and natural resources.

24 (13) When a bed and breakfast facility is sited as a home occupation on the same tract as a
25 winery established under this section and in association with the winery:

26 (a) The bed and breakfast facility may prepare and serve two meals per day to the registered
27 guests of the bed and breakfast facility; and

28 (b) The meals may be served at the bed and breakfast facility or at the winery.

29 (14) As used in this section:

30 (a) "Agri-tourism or other commercial events" includes outdoor concerts for which admission is
31 charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and
32 other events at which the promotion of wine produced in conjunction with the winery is a secondary
33 purpose of the event.

34 (b) "On-site retail sale" includes the retail sale of wine in person at the winery site, through a
35 wine club or over the Internet or telephone.

36 **SECTION 15.** ORS 215.453 is amended to read:

37 215.453. (1) A winery may be established as a permitted use on land zoned for exclusive farm
38 use under ORS 215.213 [(1)(p)] (1)(o) or 215.283 [(1)(n)] (1)(m) or on land zoned for mixed farm and
39 forest use if:

40 (a) The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is
41 a vineyard;

42 (b) The winery owns at least 80 additional acres of planted vineyards in Oregon that need not
43 be contiguous to the acreage described in paragraph (a) of this subsection; and

44 (c) The winery has produced annually, at the same or a different location, at least 150,000 gal-
45 lons of wine in at least three of the five calendar years before the winery is established under this

1 section.

2 (2) In addition to producing and distributing wine, a winery described in subsection (1) of this
3 section may:

4 (a) Market and sell wine produced in conjunction with the winery;

5 (b) Conduct operations that are directly related to the sale or marketing of wine produced in
6 conjunction with the winery, including:

7 (A) Wine tastings in a tasting room or other location on the premises occupied by the winery;

8 (B) Wine club activities;

9 (C) Winemaker luncheons and dinners;

10 (D) Winery and vineyard tours;

11 (E) Meetings or business activities with winery suppliers, distributors, wholesale customers and
12 wine-industry members;

13 (F) Winery staff activities;

14 (G) Open house promotions of wine produced in conjunction with the winery; and

15 (H) Similar activities conducted for the primary purpose of promoting wine produced in con-
16 junction with the winery;

17 (c) Market and sell items directly related to the sale or promotion of wine produced in con-
18 junction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site,
19 including food and beverages:

20 (A) Required to be made available in conjunction with the consumption of wine on the premises
21 by the Liquor Control Act or rules adopted under the Liquor Control Act; or

22 (B) Served in conjunction with an activity authorized by paragraph (b), (d) or (e) of this sub-
23 section;

24 (d) Provide services, including agri-tourism or other commercial events, hosted by the winery
25 or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:

26 (A) Are directly related to the sale or promotion of wine produced in conjunction with the
27 winery;

28 (B) Are incidental to the retail sale of wine on-site; and

29 (C) Are limited to 25 days or fewer in a calendar year; and

30 (e) Host charitable activities for which the winery does not charge a facility rental fee.

31 (3)(a) The gross income of the winery from the sale of incidental items pursuant to subsection
32 (2)(c) of this section and services provided pursuant to subsection (2)(d) of this section may not ex-
33 ceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with
34 the winery.

35 (b) At the request of a local government with land use jurisdiction over the site of a winery, the
36 winery shall submit to the local government a written statement, prepared by a certified public ac-
37 countant, that certifies compliance with paragraph (a) of this subsection for the previous tax year.

38 (4) A winery operating under this section:

39 (a) Shall provide parking for all activities or uses of the lot, parcel or tract on which the winery
40 is established.

41 (b) May operate a restaurant, as defined in ORS 624.010, in which food is prepared for con-
42 sumption on the premises of the winery.

43 (5)(a) A winery shall obtain a permit from the local government if the winery operates a res-
44 taurant that is open to the public for more than 25 days in a calendar year or provides for agri-
45 tourism or other commercial events authorized under subsection (2)(d) of this section occurring on

1 more than 25 days in a calendar year.

2 (b) In addition to any other requirements, a local government may approve a permit application
3 under this subsection if the local government finds that the authorized activity:

4 (A) Complies with the standards described in ORS 215.296;

5 (B) Is incidental and subordinate to the retail sale of wine produced in conjunction with the
6 winery; and

7 (C) Does not materially alter the stability of the land use pattern in the area.

8 (c) If the local government issues a permit under this subsection for agri-tourism or other com-
9 mercial events, the local government shall review the permit at least once every five years and, if
10 appropriate, may renew the permit.

11 (6) A person may not have a substantial ownership interest in more than one winery operating
12 a restaurant under this section.

13 (7) Prior to the issuance of a permit to establish a winery under this section, the applicant shall
14 show that vineyards described in subsection (1) of this section have been planted.

15 (8) A local government shall require a winery operating under this section to provide for:

16 (a) Establishment of a setback of at least 100 feet from all property lines for the winery and all
17 public gathering places; and

18 (b) Direct road access and internal circulation.

19 (9) A local government shall apply:

20 (a) Local criteria regarding floodplains, geologic hazards, the Willamette River Greenway, solar
21 access and airport safety;

22 (b) Regulations for the public health and safety; and

23 (c) Regulations for resource protection acknowledged to comply with any statewide goal re-
24 specting open spaces, scenic and historic areas and natural resources.

25 (10) The local government may authorize a winery described in subsection (1) of this section to
26 sell or deliver items or provide services not described in subsection (2)(c) or (d) or (3) of this section
27 under the criteria for a commercial activity in conjunction with farm use under ORS 215.213 (2)(c)
28 or 215.283 (2)(a) or under other provisions of law.

29 (11)(a) A local government may issue a permit for a winery operating under this section to host
30 outdoor concerts for which admission is charged, facility rentals or celebratory events if the local
31 government issued permits to wineries operating under this section in similar circumstances before
32 August 2, 2011.

33 (b) A local government may not issue a permit for a winery operating under this section to host
34 outdoor concerts for which admission is charged, facility rentals or celebratory events if the local
35 government did not issue permits to wineries operating under this section in similar circumstances
36 before August 2, 2011.

37 (12) When a bed and breakfast facility is sited as a home occupation on the same tract as a
38 winery established under this section and in association with the winery:

39 (a) The bed and breakfast facility may prepare and serve two meals per day to the registered
40 guests of the bed and breakfast facility; and

41 (b) The meals may be served at the bed and breakfast facility or at the winery.

42 (13) As used in this section:

43 (a) "Agri-tourism or other commercial events" includes outdoor concerts for which admission is
44 charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and
45 other events at which the promotion of wine produced in conjunction with the winery is a secondary

1 purpose of the event.

2 (b) "On-site retail sale" includes the retail sale of wine in person at the winery site, through a
3 wine club or over the Internet or telephone.

4 **SECTION 16.** ORS 215.454 is amended to read:

5 215.454. (1)(a) A use or structure in an area zoned for exclusive farm use that exists on June
6 28, 2011, may be lawfully continued, altered, restored or replaced pursuant to ORS 215.130 if the use
7 or structure is located on the same tract, as defined in ORS 215.010, as a winery established under
8 ORS 215.213 [(1)(p)] (1)(o) or 215.283 [(1)(n)] (1)(m) that produced more than 250,000 gallons of wine
9 in calendar year 2010.

10 (b) This subsection does not affect the lawful continuation, alteration, restoration or expansion
11 of the winery sited on the same tract.

12 (2) A winery established under ORS 215.213 [(1)(p)] (1)(o) or 215.283 [(1)(n)] (1)(m) that produced
13 more than 150,000 gallons and not more than 250,000 gallons of wine in calendar year 2010 does not
14 require a permit under ORS 215.213 (2)(c) or 215.283 (2)(a). However, the winery must comply with
15 all provisions of ORS 215.452 except the annual production requirements.

16 (3) A use or structure that is lawfully established at a winery located in an exclusive farm use
17 zone and that exists on August 2, 2011, including events and activities that exceed the income limit
18 imposed by ORS 215.452, may be continued, altered, restored or replaced pursuant to ORS 215.130.

19 (4) Subsection (3) of this section does not affect the lawful continuation, alteration, restoration
20 or replacement of the winery sited on the same tract.

21 (5) A use or structure that is lawfully established at a winery located in an exclusive farm use
22 zone and that exists on June 28, 2013, including events and activities that exceed the income limit
23 imposed by ORS 215.452, may be continued, altered, restored or replaced pursuant to ORS 215.130.

24 (6) Subsection (5) of this section does not affect the lawful continuation, alteration, restoration
25 or replacement of the winery sited on the same tract.

26 **SECTION 17.** ORS 215.780 is amended to read:

27 215.780. (1) Except as provided in subsection (2) of this section, the following minimum lot or
28 parcel sizes apply to all counties:

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

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

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

37 (b) To divide an area of land zoned for forest use to establish a parcel for a dwelling that has
38 existed since before June 1, 1995, subject to the following requirements:

39 (A) The parcel established may not be larger than five acres, except as necessary to recognize
40 physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres;
41 and

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

- 44 (i) Meets the minimum land division standards of the zone; or
- 45 (ii) Is consolidated with another parcel, and together the parcels meet the minimum land division

1 standards of the zone.

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

4 (A) The parcel established may not be larger than five acres, except as necessary to recognize
5 physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres;

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

8 (i) Meets the minimum land division standards of the zone; or

9 (ii) Is consolidated with another parcel, and together the parcels meet the minimum land division
10 standards of the zone;

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

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

14 (E) The remainder of the tract does not qualify for any uses allowed under ORS 215.213 and
15 215.283 that are not allowed on forestland.

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

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

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

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

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

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

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

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

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

31 (B) Each dwelling complies with the criteria for a replacement dwelling under ORS 215.213
32 [(1)(q)] (1)(p) or 215.283 [(1)(p)] (1)(o);

33 (C) Except for one lot or parcel, each lot or parcel created under this paragraph is between two
34 and five acres in size;

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

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

45 (f) To allow a proposed division of land in a forest zone or a mixed farm and forest zone as

1 provided in ORS 215.783.

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

5 (4) A lot or parcel may not be divided under subsection (2)(e) of this section if an existing
6 dwelling on the lot or parcel was approved under:

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

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

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

15 (6)(a) An applicant for the creation of a parcel pursuant to subsection (2)(b) and (c) of this sec-
16 tion shall provide evidence that a restriction on the remaining parcel, not containing the dwelling,
17 has been recorded with the county clerk of the county where the property is located. An applicant
18 for the creation of a parcel pursuant to subsection (2)(d) of this section shall provide evidence that
19 a restriction on the newly created parcel has been recorded with the county clerk of the county
20 where the property is located. The restriction shall allow no dwellings unless authorized by law or
21 goal on land zoned for forest use except as permitted under subsection (2) of this section.

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

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

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

34 **SECTION 18.** ORS 308A.056 is amended to read:

35 308A.056. (1) As used in ORS 308A.050 to 308A.128, "farm use" means the current employment
36 of land for the primary purpose of obtaining a profit in money by:

37 (a) Raising, harvesting and selling crops.

38 (b) Feeding, breeding, managing or selling livestock, poultry, fur-bearing animals or honeybees
39 or the produce thereof.

40 (c) Dairying and selling dairy products.

41 (d) Stabling or training equines, including but not limited to providing riding lessons, training
42 clinics and schooling shows.

43 (e) Propagating, cultivating, maintaining or harvesting aquatic species and bird and animal
44 species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission.

45 (f) On-site constructing and maintaining equipment and facilities used for the activities described

1 in this subsection.

2 (g) Preparing, storing or disposing of, by marketing, donation to a local food bank or school or
3 otherwise, the products or by-products raised for human or animal use on land described in this
4 section.

5 (h) Implementing a remediation plan previously presented to the assessor for the county in
6 which the land that is the subject of the plan is located.

7 (i) Using land described in this section for any other agricultural or horticultural use or animal
8 husbandry or any combination thereof.

9 (2) "Farm use" does not include the use of land subject to timber and forestland taxation under
10 ORS chapter 321, except land used exclusively for growing cultured Christmas trees or land de-
11 scribed in ORS 321.267 (3) or 321.824 (3) (relating to land used to grow certain hardwood timber,
12 including hybrid cottonwood).

13 (3) For purposes of this section, land is currently employed for farm use if the land is:

14 (a) Farmland, the operation or use of which is subject to any farm-related government program;

15 (b) Land lying fallow for one year as a normal and regular requirement of good agricultural
16 husbandry;

17 (c) Land planted in orchards or other perennials, other than land specified in paragraph (d) of
18 this subsection, prior to maturity;

19 (d) Land not in an exclusive farm use zone that has not been eligible for assessment at special
20 farm use value in the year prior to planting the current crop and has been planted in orchards,
21 cultured Christmas trees or vineyards for at least three years;

22 (e) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically
23 tillable nor grazeable, lying in or adjacent to and in common ownership with farm use land and that
24 is not currently being used for any economic farm use;

25 (f) Except for land under a single family dwelling, land under buildings supporting accepted
26 farming practices, including the processing facilities allowed by ORS 215.213 [(1)(u)] (1)(t) and
27 215.283 [(1)(r)] (1)(q) and the processing of farm crops into biofuel as commercial activities in con-
28 junction with farm use under ORS 215.213 (2)(c) and 215.283 (2)(a);

29 (g) Water impoundments lying in or adjacent to and in common ownership with farm use land;

30 (h) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the
31 owner of land specially valued for farm use even if the land constituting the woodlot is not utilized
32 in conjunction with farm use;

33 (i) Land lying idle for no more than one year when the absence of farming activity is the result
34 of the illness of the farmer or a member of the farmer's immediate family, including injury or
35 infirmity, regardless of whether the illness results in death;

36 (j) Land described under ORS 321.267 (3) or 321.824 (3) (relating to land used to grow certain
37 hardwood timber, including hybrid cottonwood);

38 (k) Land subject to a remediation plan previously presented to the assessor for the county in
39 which the land that is the subject of the plan is located; or

40 (L) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:

41 (i) Only the crops of the landowner are being processed;

42 (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm
43 of the landowner; or

44 (iii) The landowner is custom processing crops into biofuel from other landowners in the area
45 for their use or sale.

1 (4) As used in this section:

2 (a) "Accepted farming practice" means a mode of operation that is common to farms of a similar
3 nature, necessary for the operation of these similar farms to obtain a profit in money and custom-
4 arily utilized in conjunction with farm use.

5 (b) "Cultured Christmas trees" means trees:

6 (A) Grown on lands used exclusively for that purpose, capable of preparation by intensive cul-
7 tivation methods such as plowing or turning over the soil;

8 (B) Of a marketable species;

9 (C) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as
10 specified by the Agricultural Marketing Service of the United States Department of Agriculture; and

11 (D) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed
12 and brush control and one or more of the following practices:

13 (i) Basal pruning;

14 (ii) Fertilizing;

15 (iii) Insect and disease control;

16 (iv) Stump culture;

17 (v) Soil cultivation; or

18 (vi) Irrigation.

19
