

A-Engrossed
House Bill 3024

Ordered by the Senate May 31
Including Senate Amendments dated May 31

Sponsored by Representatives ZIKA, SMITH DB

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.

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

A BILL FOR AN ACT

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

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

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

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

10 (a) **The dwelling to be altered, restored or replaced has, or formerly had:**

11 (A) **Intact exterior walls and roof structure;**

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

14 (C) **Interior wiring for interior lights; and**

15 (D) **A heating system; and**

16 (b)(A) **If the dwelling was removed, destroyed or demolished:**

17 (i) **The dwelling's tax lot does not have a lien for delinquent ad valorem taxes; and**

18 (ii) **Any removal, destruction or demolition occurred on or after January 1, 1973;**

19 (B) **If the dwelling is currently in such a state of disrepair that the dwelling is unsafe for**
20 **occupancy or constitutes an attractive nuisance, the dwelling's tax lot does not have a lien**
21 **for delinquent ad valorem taxes; or**

22 (C) **A dwelling not described in subparagraph (A) or (B) of this paragraph was assessed**
23 **as a dwelling for purposes of ad valorem taxation:**

24 (i) **For the previous five property tax years; or**

25 (ii) **From the time when the dwelling was erected upon or affixed to the land and became**
26 **subject to assessment as described in ORS 307.010.**

27 [*(2) The dwelling may be altered, restored or replaced if, when an application for a permit is sub-*
28 *mitted, the permitting authority:]*

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

3 *[(A) Intact exterior walls and roof structure;]*

4 *[(B) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a san-*
5 *itary waste disposal system;]*

6 *[(C) Interior wiring for interior lights; and]*

7 *[(D) A heating system; and]*

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

10 *[(A) The previous five property tax years unless the value of the dwelling was eliminated as a re-*
11 *sult of the destruction, or demolition in the case of restoration, of the dwelling; or]*

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

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

20 *[(4) (2) For replacement of a lawfully established dwelling under [ORS 215.213 (1)(q) or 215.283*
21 *(1)(p)] **this section:***

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

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

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

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

34 *(b) The replacement dwelling:*

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

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

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

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

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

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

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

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

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

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

13 [(6)] **(4)** The county planning director, or the director's designee, shall maintain a record of the
14 lots and parcels that do not qualify for the siting of a new dwelling under subsection [(4)] **(2)** of this
15 section, including a copy of the deed restrictions filed under subsection [(4)] **(2)(c)** of this section.

16 [(7)] **(5)** If an applicant is granted a deferred replacement permit under this section:

17 (a) The deferred replacement permit:

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

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

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

27 [(8) *As used in this section, "improperly removed" means, with respect to a dwelling removed from*
28 *the tax roll, that:*]

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

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

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

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

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

35 **Sec. 10.** The amendments to ORS [215.213, 215.283 and] 215.417 by [sections 7, 8 and 9 of this
36 2013 Act] **section 9, chapter 462, Oregon Laws 2013**, become operative January 2, 2024.

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

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

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

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

44 **Sec. 2.** (1) A lawfully established dwelling may be altered, restored or replaced under ORS
45 215.213 (1)(q) or 215.283 (1)(p) if the county determines that[:]

1 [(a)] the dwelling to be altered, restored or replaced has[, *or formerly had*]:
2 [(A)] (a) Intact exterior walls and roof structure;
3 [(B)] (b) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to
4 a sanitary waste disposal system;
5 [(C)] (c) Interior wiring for interior lights; and
6 [(D)] (d) A heating system[; *and*].
7 [(b)(A) *If the dwelling was removed, destroyed or demolished:*]
8 [(i) *The dwelling's tax lot does not have a lien for delinquent ad valorem taxes; and*]
9 [(ii) *Any removal, destruction or demolition occurred on or after January 1, 1973;*]
10 [(B) *If the dwelling is currently in such a state of disrepair that the dwelling is unsafe for occu-*
11 *pancy or constitutes an attractive nuisance, the dwelling's tax lot does not have a lien for delinquent*
12 *ad valorem taxes; or*]
13 [(C) *A dwelling not described in subparagraph (A) or (B) of this paragraph was assessed as a*
14 *dwelling for purposes of ad valorem taxation:*]
15 [(i) *For the previous five property tax years; or*]
16 [(ii) *From the time when the dwelling was erected upon or affixed to the land and became subject*
17 *to assessment as described in ORS 307.010.*]
18 (2) For replacement of a lawfully established dwelling under this section:
19 (a) The dwelling to be replaced must be removed, demolished or converted to an allowable
20 nonresidential use[:]
21 [(A)] within [*one year*] **three months** after the date the replacement dwelling is certified for
22 occupancy pursuant to ORS 455.055[; *or*].
23 [(B) *If the dwelling to be replaced is, in the discretion of the county, in such a state of disrepair*
24 *that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set*
25 *by the county that is not less than 90 days after the replacement permit is issued.*]
26 (b) The replacement dwelling:
27 (A) May be sited on any part of the same lot or parcel.
28 (B) Must comply with applicable siting standards. However, the standards may not be applied
29 in a manner that prohibits the siting of the replacement dwelling.
30 (c) As a condition of approval, if the dwelling to be replaced is located on a portion of the lot
31 or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be re-
32 corded in the deed records of the county in which the property is located a deed restriction pro-
33 hibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed
34 is irrevocable unless the county planning director, or the director's designee, places a statement of
35 release in the deed records of the county to the effect that the provisions of this section and either
36 ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of
37 another dwelling.
38 [(3) *Notwithstanding subsection (2)(b)(A) of this section, a replacement dwelling under this section*
39 *must be sited on the same lot or parcel:*]
40 [(a) *Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property*
41 *line, forest boundary or another natural boundary of the lot or parcel; and*]
42 [(b) *If possible, for the purpose of minimizing the adverse impacts on resource use of land in the*
43 *area, within a concentration or cluster of structures or within 500 yards of another structure.*]
44 [(4)] (3) The county planning director, or the director's designee, shall maintain a record of the
45 lots and parcels that do not qualify for the siting of a new dwelling under subsection (2) of this

1 section, including a copy of the deed restrictions filed under subsection (2)(c) of this section.

2 [(5)] (4) If an applicant is granted a deferred replacement permit under this section:

3 (a) The deferred replacement permit:

4 (A) Does not expire but[, notwithstanding subsection (2)(a)(A) of this section,] the permit becomes
5 void unless the dwelling to be replaced is removed or demolished within three months after the de-
6 ferred replacement permit is issued; and

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

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

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

16 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
17 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

24 (A) ORS 215.275; or

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

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

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

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

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

1 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 *to allow the siting of another dwelling. The county planning director or the director's designee shall*
2 *maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the*
3 *provisions of this paragraph, including a copy of the deed restrictions and release statements filed un-*
4 *der this paragraph; and]*

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

13 (r) Farm stands if:

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

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

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

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

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

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

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

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

8 (A) A public right of way;

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

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

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

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

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

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

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

29 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
30 the following uses may be established in any area zoned for exclusive farm use subject to ORS
31 215.296:

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

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

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

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

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

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

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

5 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (6) The notice required in subsection (5) of this section shall specify that persons have 15 days
44 following the date of postmark of the notice to file a written objection on the grounds only that the
45 dwelling or activities associated with it would force a significant change in or significantly increase

1 the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is re-
2 ceived, the governing body or its designee shall approve or disapprove the application. If an ob-
3 jection is received, the governing body shall set the matter for hearing in the manner prescribed in
4 ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required
5 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of
6 this section.

7 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
8 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ments; and

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

4 (i) Planned hours of operation;

5 (ii) Access, egress and parking;

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

8 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

35 (D) Must comply with ORS 215.296;

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

38 (F) Must comply with conditions established for:

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

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

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

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

3 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

43 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

5 (A) ORS 215.275; or

6 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
7 469.300.

8 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
9 farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,
10 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
11 operator does or will require the assistance of the relative in the management of the farm use and
12 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
13 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS
14 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
15 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
16 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
17 shall operate as a partition of the homesite to create a new parcel.

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

20 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
21 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
22 compressors, separators and other customary production equipment for an individual well adjacent
23 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
24 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

43 (o) Farm stands if:

44 (A) The structures are designed and used for the sale of farm crops or livestock grown on the
45 farm operation, or grown on the farm operation and other farm operations in the local agricultural

1 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm
 2 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-
 3 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
 4 and

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

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

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

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

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

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

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

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

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

38 (q) A site for the takeoff and landing of model aircraft, including such buildings or facilities as
 39 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor
 40 area or placed on a permanent foundation unless the building or facility preexisted the use approved
 41 under this paragraph. The site shall not include an aggregate surface or hard surface area unless
 42 the surface preexisted the use approved under this paragraph. An owner of property used for the
 43 purpose authorized in this paragraph may charge a person operating the use on the property rent
 44 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) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
5 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
6 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
7 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
8 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
9 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
10 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
11 cable siting standards but the standards may not be applied in a manner that prohibits the siting
12 of the processing facility or establishment.

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

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

17 (u) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-
18 cilities or structures that end at the point where the utility service is received by the customer and
19 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) Subject to the issuance of a license, permit or other approval by the Department of Envi-
25 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
26 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
27 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of
28 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-
29 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this
30 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application
31 of biosolids is limited to treatment using treatment facilities that are portable, temporary and
32 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land
33 application of biosolids is authorized under the license, permit or other approval.

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

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

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

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

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

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

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

3 (b) Operations conducted for:

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

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

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

9 (D) 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (x) 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 an ur-
10 ban 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 by the county gov-
15 erning body and organized under ORS chapter 65.

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

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

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

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

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

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

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

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

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

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

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

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

45 (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72

1 consecutive hours;

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

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

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

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

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

12 (i) Planned hours of operation;

13 (ii) Access, egress and parking;

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

16 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

43 (D) Must comply with ORS 215.296;

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

1 (F) Must comply with conditions established for:

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

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

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

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

11 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

1 events and activities.

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

3 215.780. (1) Except as provided in subsection (2) of this section, the following minimum lot or
4 parcel sizes apply to all counties:

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

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

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

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

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

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

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

21 (ii) Is consolidated with another parcel, and together the parcels meet the minimum lot or parcel
22 size of the zone.

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

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

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

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

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

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

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

35 (E) The remainder of the tract does not qualify for any uses allowed under ORS 215.213 and
36 215.283 that are not allowed on forestland.

37 (d) To allow a division by partition of forestland to facilitate a forest practice as defined in ORS
38 527.620 that results in a parcel that does not meet the minimum area requirements of subsection
39 (1)(c) of this section or paragraph (a) of this subsection. Parcels created pursuant to this subsection:

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

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

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

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

- 1 (i) Facilitate an exchange of lands involving a governmental agency; or
2 (ii) Allow transactions in which at least one participant is a person with a cumulative ownership
3 of at least 2,000 acres of forestland.
- 4 (e) To allow a division by partition of a lot or parcel zoned for forest use or mixed farm and
5 forest use under a statewide planning goal protecting forestland if:
- 6 (A) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
7 (B) Each dwelling complies with the criteria for a replacement dwelling under [ORS 215.213
8 (1)(q) or 215.283 (1)(p)] **section 2, chapter 462, Oregon Laws 2013**;
9 (C) Except for one parcel, each parcel created under this paragraph is between two and five
10 acres in size;
11 (D) At least one dwelling is located on each parcel created under this paragraph; and
12 (E) The landowner of a parcel created under this paragraph provides evidence that a restriction
13 prohibiting the landowner and the landowner's successors in interest from further dividing the par-
14 cel has been recorded with the county clerk of the county in which the parcel is located. A re-
15 striction imposed under this paragraph is irrevocable unless a statement of release is signed by the
16 county planning director of the county in which the parcel is located indicating that the compre-
17 hensive plan or land use regulations applicable to the parcel have been changed so that the parcel
18 is no longer subject to statewide planning goals protecting forestland or unless the land division is
19 subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest
20 use or mixed farm and forest use.
- 21 (f) To allow a proposed division of land in a forest zone or a mixed farm and forest zone as
22 provided in ORS 215.783.
- 23 (3) A county planning director shall maintain a record of lots and parcels that do not qualify for
24 division under the restrictions imposed under subsections (2)(e) and (4) of this section. The record
25 must be readily available to the public.
- 26 (4) A lot or parcel may not be divided under subsection (2)(e) of this section if an existing
27 dwelling on the lot or parcel was approved under:
- 28 (a) A statute, an administrative rule or a land use regulation as defined in ORS 197.015 that
29 required removal of the dwelling or that prohibited subsequent division of the lot or parcel; or
30 (b) A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest
31 use zone under a statewide planning goal protecting forestland.
- 32 (5) A county with a minimum lot or parcel size acknowledged by the commission pursuant to
33 ORS 197.251 after January 1, 1987, or acknowledged pursuant to periodic review requirements under
34 ORS 197.628 to 197.651 that is smaller than those prescribed in subsection (1) of this section need
35 not comply with subsection (2) of this section.
- 36 (6)(a) An applicant for the creation of a parcel pursuant to subsection (2)(b) and (c) of this sec-
37 tion shall provide evidence that a restriction on the remaining parcel, not containing the dwelling,
38 has been recorded with the county clerk of the county where the property is located. An applicant
39 for the creation of a parcel pursuant to subsection (2)(d) of this section shall provide evidence that
40 a restriction on the newly created parcel has been recorded with the county clerk of the county
41 where the property is located. The restriction may not allow a dwelling unless authorized by law
42 or goal on land zoned for forest use except as permitted under subsection (2) of this section.
- 43 (b) A restriction imposed under this subsection is irrevocable unless a statement of release is
44 signed by the county planning director of the county where the property is located indicating that
45 the comprehensive plan or land use regulations applicable to the property have been changed in

1 such a manner that the parcel is no longer subject to statewide planning goals pertaining to agri-
2 cultural land or forestland.

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

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

10