

Requested by Representative NOSSE

**PROPOSED AMENDMENTS TO
HOUSE BILL 2506**

1 On page 1 of the printed bill, line 2, after “housing;” insert “creating new
2 provisions; and” and delete “and 197.843” and insert “, 197.843, 215.213,
3 215.263 and 215.283”.

4 After line 2, insert:

5 “Whereas, nothing in this 2023 Act is intended to supersede ORS chapter
6 163A; now, therefore,”.

7 In line 7, after “provide” delete the rest of the line and line 8 and insert
8 “care, treatment or training, including:”.

9 In line 22, delete “may provide” and insert “provides residential care
10 alone or in conjunction with”.

11 In line 23, delete “that serves” and insert “for”.

12 On page 2, line 43, delete “conditional” and insert “permitted”.

13 In line 45, delete “may” and insert “shall”.

14 On page 3, delete lines 18 through 25.

15 After line 35, insert:

16 **“SECTION 6. Section 7 of this 2023 Act is added to and made a part
17 of ORS chapter 215.**

18 **“SECTION 7. (1) As used in this section, ‘residential home’ means
19 a residential treatment or training home, as defined in ORS 443.400, a
20 residential facility registered under ORS 443.480 to 443.500 or an adult
21 foster home licensed under ORS 443.705 to 443.825 that provides resi-**

1 **dential care alone or in conjunction with treatment or training or a**
2 **combination thereof for five or fewer individuals who need not be re-**
3 **lated. Staff persons required to meet licensing requirements shall not**
4 **be counted in the number of facility residents, and need not be related**
5 **to each other or to any resident of the residential home.**

6 **“(2) A county may:**

7 **“(a) Allow a residential home in an existing dwelling in any area**
8 **zoned for farm use, including an exclusive farm use zone established**
9 **under ORS 215.203;**

10 **“(b) Impose zoning requirements on the establishment of a resi-**
11 **dential home in areas described in paragraph (a) of this subsection,**
12 **provided that these requirements are no more restrictive than those**
13 **imposed on other nonfarm single-family dwellings in the same zone;**
14 **and**

15 **“(c) Allow a division of land for a residential home in an exclusive**
16 **farm use zone only as described in ORS 215.263 (9).**

17 **“SECTION 8. ORS 215.263 is amended to read:**

18 **“215.263. (1) Any proposed division of land included within an exclusive**
19 **farm use zone resulting in the creation of one or more parcels of land shall**
20 **be reviewed and approved or disapproved by the governing body or its**
21 **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**
23 **of land within exclusive farm use zones established within the county.**

24 **“(2)(a) The governing body of a county or its designee may approve a**
25 **proposed division of land to create parcels for farm use as defined in ORS**
26 **215.203 if it finds that:**

27 **“(A) The proposed division of land is appropriate for the continuation of**
28 **the existing commercial agricultural enterprise within the area;**

29 **“(B) The parcels created by the proposed division are not smaller than the**
30 **minimum size established under ORS 215.780; or**

1 “(C) A portion of a lot or parcel has been included within an urban
2 growth boundary and redesignated for urban uses under the applicable ac-
3 knowledged comprehensive plan and the portion of the lot or parcel that
4 remains outside the urban growth boundary and zoned for exclusive farm use
5 is smaller than the minimum lot or parcel size established under ORS
6 215.780, subject to paragraph (b) of this subsection.

7 “(b) When a parcel for farm use is created in an exclusive farm use zone
8 under paragraph (a) of this subsection, the partition must occur along the
9 urban growth boundary and:

10 “(A) If the parcel contains a dwelling, the parcel must be large enough
11 to support continued residential use.

12 “(B) If the parcel does not contain a dwelling, the parcel:

13 “(i) Is not eligible for siting a dwelling, except as may be authorized un-
14 der ORS 195.120;

15 “(ii) May not be considered in approving or denying an application for
16 siting any other dwelling; and

17 “(iii) May not be considered in approving a redesignation or rezoning of
18 forestlands under the acknowledged comprehensive plan and land use regu-
19 lations, except for a redesignation or rezoning to allow a public park, open
20 space or other natural resource use.

21 “(3) The governing body of a county or its designee may approve a pro-
22 posed division of land in an exclusive farm use zone for nonfarm uses, except
23 dwellings, set out in ORS 215.213 (1)(c) or (2) or 215.283 (1)(c) or (2) if it finds
24 that the parcel for the nonfarm use is not larger than the minimum size
25 necessary for the use. The governing body may establish other criteria as it
26 considers necessary. Land that is divided under this subsection pursuant to
27 ORS 215.213 (1)(c) or 215.283 (1)(c) may not later be rezoned by the county
28 for retail, commercial, industrial or other nonresource use, except as pro-
29 vided under the statewide land use planning goals or under ORS 197.732.

30 “(4) In western Oregon, as defined in ORS 321.257, but not in the

1 Willamette Valley, as defined in ORS 215.010, the governing body of a county
2 or its designee:

3 “(a) May approve a division of land in an exclusive farm use zone to
4 create up to two new parcels smaller than the minimum size established
5 under ORS 215.780, each to contain a dwelling not provided in conjunction
6 with farm use if:

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

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

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

13 “(D) The remainder of the original lot or parcel that does not contain the
14 nonfarm dwellings complies with the minimum size established under ORS
15 215.780; and

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

22 “(b) May approve a division of land in an exclusive farm use zone to di-
23 vide a lot or parcel into two parcels, each to contain one dwelling not pro-
24 vided in conjunction with farm use if:

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

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

29 “(C) The parcels for the nonfarm dwellings are divided from a lot or
30 parcel that is equal to or smaller than the minimum size established under

1 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 50 cubic feet per acre per year
4 of wood fiber; and

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

6 “(E) The parcels for the nonfarm dwellings do not have established water
7 rights for irrigation; and

8 “(F) The parcels for the nonfarm dwellings are generally unsuitable for
9 the production of farm crops and livestock or merchantable tree species
10 considering the terrain, adverse soil or land conditions, drainage or flooding,
11 vegetation, location and size of the tract. A parcel may not be considered
12 unsuitable based solely on size or location if the parcel can reasonably be
13 put to farm or forest use in conjunction with other land.

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

16 “(a) May approve a division of land in an exclusive farm use zone to
17 create up to two new parcels smaller than the minimum size established
18 under ORS 215.780, each to contain a dwelling not provided in conjunction
19 with farm use if:

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

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

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

25 “(D) The remainder of the original lot or parcel that does not contain the
26 nonfarm dwellings complies with the minimum size established under ORS
27 215.780; and

28 “(E) The parcels for the nonfarm dwellings are generally unsuitable for
29 the production of farm crops and livestock or merchantable tree species
30 considering the terrain, adverse soil or land conditions, drainage or flooding,

1 vegetation, location and size of the tract. A parcel may not be considered
2 unsuitable based solely on size or location if the parcel can reasonably be
3 put to farm or forest use in conjunction with other land.

4 “(b) May approve a division of land in an exclusive farm use zone to di-
5 vide a lot or parcel into two parcels, each to contain one dwelling not pro-
6 vided in conjunction with farm use if:

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

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

10 “(C) The parcels for the nonfarm dwellings are divided from a lot or
11 parcel that is equal to or smaller than the minimum size established under
12 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 at least 20 cubic feet per acre per year of
15 wood fiber; and

16 “(ii) Either composed of at least 90 percent Class VII and VIII soils, or
17 composed of at least 90 percent Class VI through VIII soils and are not ca-
18 pable of producing adequate herbaceous forage for grazing livestock. The
19 Land Conservation and Development Commission, in cooperation with the
20 State Department of Agriculture and other interested persons, may establish
21 by rule objective criteria for identifying units of land that are not capable
22 of producing adequate herbaceous forage for grazing livestock. In developing
23 the criteria, the commission shall use the latest information from the United
24 States Natural Resources Conservation Service and consider costs required
25 to utilize grazing lands that differ in acreage and productivity level;

26 “(E) The parcels for the nonfarm dwellings do not have established water
27 rights for irrigation; and

28 “(F) The parcels for the nonfarm dwellings are generally unsuitable for
29 the production of farm crops and livestock or merchantable tree species
30 considering the terrain, adverse soil or land conditions, drainage or flooding,

1 vegetation, location and size of the tract. A parcel may not be considered
2 unsuitable based solely on size or location if the parcel can reasonably be
3 put to farm or forest use in conjunction with other land.

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

7 “(7) This section does not apply to divisions of land resulting from lien
8 foreclosures or divisions of land resulting from foreclosure of recorded con-
9 tracts for the sale of real property.

10 “(8) The governing body of a county may not approve any proposed divi-
11 sion of a lot or parcel described in ORS 215.213 (1)(d) or (i), 215.283 (1)(d)
12 or (2)(L) or 215.284 (1), or a proposed division that separates a facility for
13 the processing of farm products, as defined in ORS 215.255, from the farm
14 operation.

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

18 “(a) As a residential home as [*described in ORS 197.660 (2)*] **defined in**
19 **section 7 of this 2023 Act** only if the dwelling has been approved under ORS
20 215.213 (3) or 215.284 (1), (2), (3), (4) or (7); and

21 “(b) For historic property that meets the requirements of ORS 215.213
22 (1)(n) and 215.283 (1)(L).

23 “(10)(a) Notwithstanding ORS 215.780, the governing body of a county or
24 its designee may approve a proposed division of land provided:

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

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

30 “(b) A parcel created pursuant to this subsection that does not contain

1 a dwelling:

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

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

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

9 “(D) May not be smaller than 25 acres unless the purpose of the land di-
10 vision is:

11 “(i) To facilitate the creation of a wildlife or pedestrian corridor or the
12 implementation of a wildlife habitat protection plan; or

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

17 “(11) The governing body of a county or its designee may approve a divi-
18 sion of land smaller than the minimum lot or parcel size described in ORS
19 215.780 (1) and (2) in an exclusive farm use zone provided:

20 “(a) The division is for the purpose of establishing a church, including
21 cemeteries in conjunction with the church;

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

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

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

27 “(12) Notwithstanding the minimum lot or parcel size described in ORS
28 215.780 (1) or (2), the governing body of a county or its designee may approve
29 a proposed division of land in an exclusive farm use zone for the nonfarm
30 uses set out in ORS 215.213 (1)(v) or 215.283 (1)(s) if it finds that the parcel

1 for the nonfarm use is not larger than the minimum size necessary for the
2 use. The governing body may establish other criteria as it considers neces-
3 sary.

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

8 “(14) Parcels used or to be used for training or stabling facilities may not
9 be considered appropriate to maintain the existing commercial agricultural
10 enterprise in an area where other types of agriculture occur.

11 **“SECTION 9.** ORS 215.213 is amended to read:

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

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

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

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

22 “(A) ORS 215.275; or

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

25 “(d) A dwelling on real property used for farm use if the dwelling is oc-
26 cupied by a relative of the farm operator or the farm operator’s spouse,
27 which means a child, parent, stepparent, grandchild, grandparent,
28 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,
29 if the farm operator does or will require the assistance of the relative in the
30 management of the farm use and the dwelling is located on the same lot or

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

8 “(e) Nonresidential buildings customarily provided in conjunction with
9 farm use.

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

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

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

24 “(i) One manufactured dwelling or recreational vehicle, or the temporary
25 residential use of an existing building, in conjunction with an existing
26 dwelling as a temporary use for the term of a hardship suffered by the ex-
27 isting resident or a relative of the resident. Within three months of the end
28 of the hardship, the manufactured dwelling or recreational vehicle shall be
29 removed or demolished or, in the case of an existing building, the building
30 shall be removed, demolished or returned to an allowed nonresidential use.

1 The governing body or its designee shall provide for periodic review of the
2 hardship claimed under this paragraph. A temporary residence approved un-
3 der this paragraph is not eligible for replacement under paragraph (q) of this
4 subsection.

5 “(j) Climbing and passing lanes within the right of way existing as of July
6 1, 1987.

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

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

14 “(m) Minor betterment of existing public road and highway related facil-
15 ities, such as maintenance yards, weigh stations and rest areas, within right
16 of way existing as of July 1, 1987, and contiguous public-owned property
17 utilized to support the operation and maintenance of public roads and high-
18 ways.

19 “(n) A replacement dwelling to be used in conjunction with farm use if
20 the existing dwelling has been listed in a county inventory as historic prop-
21 erty as defined in ORS 358.480.

22 “(o) Creation, restoration or enhancement of wetlands.

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

24 “(q) Alteration, restoration or replacement of a lawfully established
25 dwelling, as described in ORS 215.291.

26 “(r) Farm stands if:

27 “(A) The structures are designed and used for the sale of farm crops or
28 livestock grown on the farm operation, or grown on the farm operation and
29 other farm operations in the local agricultural area, including the sale of
30 retail incidental items and fee-based activity to promote the sale of farm

1 crops or livestock sold at the farm stand if the annual sale of incidental
2 items and fees from promotional activity do not make up more than 25 per-
3 cent of the total annual sales of the farm stand; and

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

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

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

25 “(u) A facility for the processing of farm products as described in ORS
26 215.255.

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

28 “(w) Irrigation reservoirs, canals, delivery lines and those structures and
29 accessory operational facilities, not including parks or other recreational
30 structures and facilities, associated with a district as defined in ORS 540.505.

1 “(x) Utility facility service lines. Utility facility service lines are utility
2 lines and accessory facilities or structures that end at the point where the
3 utility service is received by the customer and that are located on one or
4 more of the following:

5 “(A) A public right of way;

6 “(B) Land immediately adjacent to a public right of way, provided the
7 written consent of all adjacent property owners has been obtained; or

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

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

22 “(z) Dog training classes or testing trials, which may be conducted out-
23 doors or in farm buildings in existence on January 1, 2019, when:

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

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

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

1 “(bb) A farm brewery, as described in ORS 215.449.

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

5 “(a) A primary dwelling in conjunction with farm use or the propagation
6 or harvesting of a forest product on a lot or parcel that is managed as part
7 of a farm operation or woodlot if the farm operation 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
10 producing at least \$2,500 in annual gross income from the crops, livestock
11 or forest products to be raised on the farm operation or woodlot.

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

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

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

23 “(c) Commercial activities that are in conjunction with farm use, includ-
24 ing the processing of farm crops into biofuel not permitted under ORS
25 215.203 (2)(b)(K) or 215.255.

26 “(d) Operations conducted for:

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

30 “(B) Mining, crushing or stockpiling of aggregate and other mineral and

1 other subsurface resources subject to ORS 215.298;

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

4 “(D) Processing of other mineral resources and other subsurface re-
5 sources.

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

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

24 “(g) Commercial utility facilities for the purpose of generating power for
25 public use by sale. If the area zoned for exclusive farm use is high-value
26 farmland, a photovoltaic solar power generation facility may be established
27 as a commercial utility facility as provided in ORS 215.447. A renewable
28 energy facility as defined in ORS 215.446 may be established as a commercial
29 utility facility.

30 “(h) Personal-use airports for airplanes and helicopter pads, including

1 associated hangar, maintenance and service facilities. A personal-use airport
2 as used in this section means an airstrip restricted, except for aircraft
3 emergencies, to use by the owner, and, on an infrequent and occasional basis,
4 by invited guests, and by commercial aviation activities in connection with
5 agricultural operations. No aircraft may be based on a personal-use airport
6 other than those owned or controlled by the owner of the airstrip. Exceptions
7 to the activities permitted under this definition may be granted through
8 waiver action by the Oregon Department of Aviation in specific instances.
9 A personal-use airport lawfully existing as of September 13, 1975, shall con-
10 tinue to be permitted subject to any applicable rules of the Oregon Depart-
11 ment of Aviation.

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

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

26 “(k)(A) Commercial dog boarding kennels; or

27 “(B) Dog training classes or testing trials that cannot be established un-
28 der subsection (1)(z) of this section.

29 “(L) Residential homes as defined in [ORS 197.660] **section 7 of this 2023**
30 **Act**, in existing dwellings.

1 “(m) The propagation, cultivation, maintenance and harvesting of aquatic
2 species that are not under the jurisdiction of the State Fish and Wildlife
3 Commission or insect species. Insect species shall not include any species
4 under quarantine by the State Department of Agriculture or the United
5 States Department of Agriculture. The county shall provide notice of all
6 applications under this paragraph to the State Department of Agriculture.
7 Notice shall be provided in accordance with the county’s land use regu-
8 lations but shall be mailed at least 20 calendar days prior to any adminis-
9 trative decision or initial public hearing on the application.

10 “(n) Home occupations as provided in ORS 215.448.

11 “(o) Transmission towers over 200 feet in height.

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

15 “(q) Reconstruction or modification of public roads and highways involv-
16 ing the removal or displacement of buildings but not resulting in the cre-
17 ation of new land parcels.

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

22 “(s) A destination resort that is approved consistent with the require-
23 ments of any statewide planning goal relating to the siting of a destination
24 resort.

25 “(t) Room and board arrangements for a maximum of five unrelated per-
26 sons in existing residences.

27 “(u) A living history museum related to resource based activities owned
28 and operated by a governmental agency or a local historical society, together
29 with limited commercial activities and facilities that are directly related to
30 the use and enjoyment of the museum and located within authentic buildings

1 of the depicted historic period or the museum administration building, if
2 areas other than an exclusive farm use zone cannot accommodate the mu-
3 seum and related activities or if the museum administration buildings and
4 parking lot are located within one quarter mile of the metropolitan urban
5 growth boundary. As used in this paragraph:

6 “(A) ‘Living history museum’ means a facility designed to depict and in-
7 terpret everyday life and culture of some specific historic period using au-
8 thentic buildings, tools, equipment and people to simulate past activities and
9 events; and

10 “(B) ‘Local historical society’ means the local historical society, recog-
11 nized as such by the county governing body and organized under ORS chap-
12 ter 65.

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

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

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

22 “(y) Public or private schools for kindergarten through grade 12, includ-
23 ing all buildings essential to the operation of a school, primarily for resi-
24 dents of the rural area in which the school is located.

25 “(z) Equine and equine-affiliated therapeutic and counseling activities,
26 provided:

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

30 “(B) All individuals conducting therapeutic or counseling activities are

1 acting within the proper scope of any licenses required by the state.

2 “(aa) Child care facilities, preschool recorded programs or school-age re-
3 corded programs that are:

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

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

7 “(C) Colocated with a community center or a public or private school al-
8 lowed under this subsection.

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

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

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

26 “(c) Complies with such other conditions as the governing body or its
27 designee considers necessary.

28 “(4) In counties that have adopted marginal lands provisions under ORS
29 197.247 (1991 Edition), one single-family dwelling, not provided in conjunc-
30 tion with farm use, may be established in any area zoned for exclusive farm

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

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

6 “(b) If the lot or parcel is located within the Willamette River Greenway,
7 a floodplain or a geological hazard area, the dwelling complies with condi-
8 tions imposed by local ordinances relating specifically to the Willamette
9 River Greenway, floodplains or geological hazard areas, whichever is appli-
10 cable; and

11 “(c) The dwelling complies with other conditions considered necessary by
12 the governing body or its designee.

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

15 “(a) Owners of land that is within 250 feet of the lot or parcel on which
16 the dwelling will be established; and

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

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

30 “(7) Subsection (4) of this section applies to a lot or parcel lawfully cre-

1 ated between January 1, 1948, and July 1, 1983. For the purposes of this
2 section:

3 “(a) Only one lot or parcel exists if:

4 “(A) A lot or parcel described in this section is contiguous to one or more
5 lots or parcels described in this section; and

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

9 “(b) ‘Contiguous’ means lots, parcels or lots and parcels that have a
10 common boundary, including but not limited to, lots, parcels or lots and
11 parcels separated only by a public road.

12 “(8) A person who sells or otherwise transfers real property in an exclu-
13 sive farm use zone may retain a life estate in a dwelling on that property
14 and in a tract of land under and around the dwelling.

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

17 “(10) Roads, highways and other transportation facilities and improve-
18 ments not allowed under subsections (1) and (2) of this section may be es-
19 tablished, subject to the approval of the governing body or its designee, in
20 areas zoned for exclusive farm use subject to:

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

24 “(b) ORS 215.296 for those uses identified by rule of the Land Conserva-
25 tion and Development Commission as provided in section 3, chapter 529,
26 Oregon Laws 1993.

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

30 “(a) A county may authorize a single agri-tourism or other commercial

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

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

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

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

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

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

16 “(F) The agri-tourism or other commercial event or activity occurs out-
17 doors, in temporary structures, or in existing permitted structures, subject
18 to health and fire and life safety requirements; and

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

21 “(i) Planned hours of operation;

22 “(ii) Access, egress and parking;

23 “(iii) A traffic management plan that identifies the projected number of
24 vehicles and any anticipated use of public roads; and

25 “(iv) Sanitation and solid waste.

26 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a
27 county may authorize, through an expedited, single-event license, a single
28 agri-tourism or other commercial event or activity on a tract in a calendar
29 year by an expedited, single-event license that is personal to the applicant
30 and is not transferred by, or transferable with, a conveyance of the tract. A

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

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

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

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

10 “(D) May not include the artificial amplification of music or voices before
11 8 a.m. or after 8 p.m.;

12 “(E) May not require or involve the construction or use of a new perma-
13 nent structure in connection with the agri-tourism or other commercial event
14 or activity;

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

17 “(G) Must comply with applicable health and fire and life safety require-
18 ments.

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

1 “(D) Must comply with ORS 215.296;

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

5 “(F) Must comply with conditions established for:

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

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

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

15 “(iv) Traffic management, including the projected number of vehicles and
16 any anticipated use of public roads; and

17 “(v) Sanitation and solid waste.

18 “(d) In addition to paragraphs (a) to (c) of this subsection, a county may
19 authorize agri-tourism or other commercial events or activities that occur
20 more frequently or for a longer period or that do not otherwise comply with
21 paragraphs (a) to (c) of this subsection if the agri-tourism or other commer-
22 cial events or activities comply with any local standards that apply and the
23 agri-tourism or other commercial events or activities:

24 “(A) Are incidental and subordinate to existing commercial farm use of
25 the tract and are necessary to support the commercial farm uses or the
26 commercial agricultural enterprises in the area;

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

29 “(C) Occur on a lot or parcel that complies with the acknowledged mini-
30 mum lot or parcel size; and

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

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

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

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

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

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

19 “(b) The county may issue the limited use permits authorized by sub-
20 section (11)(c) of this section for two calendar years. When considering an
21 application for renewal, the county shall ensure compliance with the pro-
22 visions of subsection (11)(c) of this section, any local standards that apply
23 and conditions that apply to the permit or to the agri-tourism or other
24 commercial events or activities authorized by the permit.

25 “(c) The authorizations provided by subsection (11) of this section are in
26 addition to other authorizations that may be provided by law, except that
27 ‘outdoor mass gathering’ and ‘other gathering,’ as those terms are used in
28 ORS 197.015 (10)(d), do not include agri-tourism or other commercial events
29 and activities.

30 **“SECTION 10.** ORS 215.283 is amended to read:

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

3 “(a) Churches and cemeteries in conjunction with churches.

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

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

10 “(A) ORS 215.275; or

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

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

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

28 “(f) Operations for the exploration for and production of geothermal re-
29 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,
30 including the placement and operation of compressors, separators and other

1 customary production equipment for an individual well adjacent to the
2 wellhead. Any activities or construction relating to such operations shall not
3 be a basis for an exception under ORS 197.732 (2)(a) or (b).

4 “(g) Operations for the exploration for minerals as defined by ORS
5 517.750. Any activities or construction relating to such operations shall not
6 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

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

16 “(k) Minor betterment of existing public road and highway related facili-
17 ties such as maintenance yards, weigh stations and rest areas, within right
18 of way existing as of July 1, 1987, and contiguous public-owned property
19 utilized to support the operation and maintenance of public roads and high-
20 ways.

21 “(L) A replacement dwelling to be used in conjunction with farm use if
22 the existing dwelling has been listed in a county inventory as historic prop-
23 erty as defined in ORS 358.480.

24 “(m) Creation, restoration or enhancement of wetlands.

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

26 “(o) Farm stands if:

27 “(A) The structures are designed and used for the sale of farm crops or
28 livestock grown on the farm operation, or grown on the farm operation and
29 other farm operations in the local agricultural area, including the sale of
30 retail incidental items and fee-based activity to promote the sale of farm

1 crops or livestock sold at the farm stand if the annual sale of incidental
2 items and fees from promotional activity do not make up more than 25 per-
3 cent of the total annual sales of the farm stand; and

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

8 “(p) Alteration, restoration or replacement of a lawfully established
9 dwelling, as described in ORS 215.291.

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

24 “(r) A facility for the processing of farm products as described in ORS
25 215.255.

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

27 “(t) Irrigation reservoirs, canals, delivery lines and those structures and
28 accessory operational facilities, not including parks or other recreational
29 structures and facilities, associated with a district as defined in ORS 540.505.

30 “(u) Utility facility service lines. Utility facility service lines are utility

1 lines and accessory facilities or structures that end at the point where the
2 utility service is received by the customer and that are located on one or
3 more of the following:

4 “(A) A public right of way;

5 “(B) Land immediately adjacent to a public right of way, provided the
6 written consent of all adjacent property owners has been obtained; or

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

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

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

25 “(x) Dog training classes or testing trials, which may be conducted out-
26 doors or in preexisting farm buildings, when:

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

30 “(B) The number of dogs participating in a testing trial does not exceed

1 60 and the number of testing trials to be conducted on-site is limited to four
2 or fewer trials per calendar year.

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

4 “(z) A farm brewery, as described in ORS 215.449.

5 “(2) The following nonfarm uses may be established, subject to the ap-
6 proval of the governing body or its designee in any area zoned for exclusive
7 farm use subject to ORS 215.296:

8 “(a) Commercial activities that are in conjunction with farm use, includ-
9 ing the processing of farm crops into biofuel not permitted under ORS
10 215.203 (2)(b)(K) or 215.255.

11 “(b) Operations conducted for:

12 “(A) Mining and processing of geothermal resources as defined by ORS
13 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted
14 under subsection (1)(f) of this section;

15 “(B) Mining, crushing or stockpiling of aggregate and other mineral and
16 other subsurface resources subject to ORS 215.298;

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

19 “(D) Processing of other mineral resources and other subsurface re-
20 sources.

21 “(c) Private parks, playgrounds, hunting and fishing preserves and
22 campgrounds. Subject to the approval of the county governing body or its
23 designee, a private campground may provide yurts for overnight camping.
24 No more than one-third or a maximum of 10 campsites, whichever is smaller,
25 may include a yurt. The yurt shall be located on the ground or on a wood
26 floor with no permanent foundation. Upon request of a county governing
27 body, the Land Conservation and Development Commission may provide by
28 rule for an increase in the number of yurts allowed on all or a portion of
29 the campgrounds in a county if the commission determines that the increase
30 will comply with the standards described in ORS 215.296 (1). As used in this

1 paragraph, 'yurt' means a round, domed shelter of cloth or canvas on a
2 collapsible frame with no plumbing, sewage disposal hookup or internal
3 cooking appliance.

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

6 “(e) Community centers owned by a governmental agency or a nonprofit
7 community organization and operated primarily by and for residents of the
8 local rural community. A community center authorized under this paragraph
9 may provide services to veterans, including but not limited to emergency and
10 transitional shelter, preparation and service of meals, vocational and educa-
11 tional counseling and referral to local, state or federal agencies providing
12 medical, mental health, disability income replacement and substance abuse
13 services, only in a facility that is in existence on January 1, 2006. The ser-
14 vices may not include direct delivery of medical, mental health, disability
15 income replacement or substance abuse services.

16 “(f) Golf courses on land:

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

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

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

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

23 “(iii) Is west of U.S. Highway 101.

24 “(g) Commercial utility facilities for the purpose of generating power for
25 public use by sale. If the area zoned for exclusive farm use is high-value
26 farmland, a photovoltaic solar power generation facility may be established
27 as a commercial utility facility as provided in ORS 215.447. A renewable
28 energy facility as defined in ORS 215.446 may be established as a commercial
29 utility facility.

30 “(h) Personal-use airports for airplanes and helicopter pads, including

1 associated hangar, maintenance and service facilities. A personal-use airport,
2 as used in this section, means an airstrip restricted, except for aircraft
3 emergencies, to use by the owner, and, on an infrequent and occasional basis,
4 by invited guests, and by commercial aviation activities in connection with
5 agricultural operations. No aircraft may be based on a personal-use airport
6 other than those owned or controlled by the owner of the airstrip. Exceptions
7 to the activities permitted under this definition may be granted through
8 waiver action by the Oregon Department of Aviation in specific instances.
9 A personal-use airport lawfully existing as of September 13, 1975, shall con-
10 tinue to be permitted subject to any applicable rules of the Oregon Depart-
11 ment of Aviation.

12 “(i) Home occupations as provided in ORS 215.448.

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

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

27 “(L) One manufactured dwelling or recreational vehicle, or the temporary
28 residential use of an existing building, in conjunction with an existing
29 dwelling as a temporary use for the term of a hardship suffered by the ex-
30 isting resident or a relative of the resident. Within three months of the end

1 of the hardship, the manufactured dwelling or recreational vehicle shall be
2 removed or demolished or, in the case of an existing building, the building
3 shall be removed, demolished or returned to an allowed nonresidential use.
4 The governing body or its designee shall provide for periodic review of the
5 hardship claimed under this paragraph. A temporary residence approved un-
6 der this paragraph is not eligible for replacement under subsection (1)(p) of
7 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 un-
11 der subsection (1)(x) of this section.

12 “(o) Residential homes as defined in [*ORS 197.660*] **section 7 of this 2023**
13 **Act**, in existing dwellings.

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

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

26 “(r) Reconstruction or modification of public roads and highways involv-
27 ing the removal or displacement of buildings but not resulting in the cre-
28 ation of new land parcels.

29 “(s) Improvement of public road and highway related facilities, such as
30 maintenance yards, weigh stations and rest areas, where additional property

1 or right of way is required but not resulting in the creation of new land
2 parcels.

3 “(t) A destination resort that is approved consistent with the require-
4 ments of any statewide planning goal relating to the siting of a destination
5 resort.

6 “(u) Room and board arrangements for a maximum of five unrelated per-
7 sons in existing residences.

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

9 “(w) Expansion of existing county fairgrounds and activities directly re-
10 lating to county fairgrounds governed by county fair boards established
11 pursuant to ORS 565.210.

12 “(x) A living history museum related to resource based activities owned
13 and operated by a governmental agency or a local historical society, together
14 with limited commercial activities and facilities that are directly related to
15 the use and enjoyment of the museum and located within authentic buildings
16 of the depicted historic period or the museum administration building, if
17 areas other than an exclusive farm use zone cannot accommodate the mu-
18 seum and related activities or if the museum administration buildings and
19 parking lot are located within one quarter mile of an urban growth bound-
20 ary. As used in this paragraph:

21 “(A) ‘Living history museum’ means a facility designed to depict and in-
22 terpret everyday life and culture of some specific historic period using au-
23 thentic buildings, tools, equipment and people to simulate past activities and
24 events; and

25 “(B) ‘Local historical society’ means the local historical society recog-
26 nized by the county governing body and organized under ORS chapter 65.

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

1 “(z) A landscape contracting business, as defined in ORS 671.520, or a
2 business providing landscape architecture services, as described in ORS
3 671.318, if the business is pursued in conjunction with the growing and
4 marketing of nursery stock on the land that constitutes farm use.

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

8 “(bb) Equine and equine-affiliated therapeutic and counseling activities,
9 provided:

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

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

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

16 “(dd) Child care facilities, preschool recorded programs or school-age re-
17 corded programs that are:

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

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

21 “(C) Colocated with a community center or a public or private school al-
22 lowed under this subsection.

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

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

30 “(b) ORS 215.296 for those uses identified by rule of the Land Conserva-

1 tion and Development Commission as provided in section 3, chapter 529,
2 Oregon Laws 1993.

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

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

11 “(A) The agri-tourism or other commercial event or activity is incidental
12 and subordinate to existing farm use on the tract;

13 “(B) The duration of the agri-tourism or other commercial event or ac-
14 tivity does not exceed 72 consecutive hours;

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

17 “(D) The maximum number of motor vehicles parked at the site of the
18 agri-tourism or other commercial event or activity does not exceed 250 ve-
19 hicles;

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

22 “(F) The agri-tourism or other commercial event or activity occurs out-
23 doors, in temporary structures, or in existing permitted structures, subject
24 to health and fire and life safety requirements; and

25 “(G) The agri-tourism or other commercial event or activity complies with
26 conditions established for:

27 “(i) Planned hours of operation;

28 “(ii) Access, egress and parking;

29 “(iii) A traffic management plan that identifies the projected number of
30 vehicles and any anticipated use of public roads; and

1 “(iv) Sanitation and solid waste.

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

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

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

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

16 “(D) May not include the artificial amplification of music or voices before
17 8 a.m. or after 8 p.m.;

18 “(E) May not require or involve the construction or use of a new perma-
19 nent structure in connection with the agri-tourism or other commercial event
20 or activity;

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

23 “(G) Must comply with applicable health and fire and life safety require-
24 ments.

25 “(c) In the alternative to paragraphs (a) and (b) of this subsection, a
26 county may authorize up to six agri-tourism or other commercial events or
27 activities on a tract in a calendar year by a limited use permit that is per-
28 sonal 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
30 activities must meet any local standards that apply, and the agri-tourism or

1 other commercial events or activities:

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

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

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

7 “(D) Must comply with ORS 215.296;

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

11 “(F) Must comply with conditions established for:

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

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

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

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

23 “(v) Sanitation and solid waste.

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

30 “(A) Are incidental and subordinate to existing commercial farm use of

1 the tract and are necessary to support the commercial farm uses or the
2 commercial agricultural enterprises in the area;

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

5 “(C) Occur on a lot or parcel that complies with the acknowledged mini-
6 mum lot or parcel size; and

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

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

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

13 “(b) Limit its review to events and activities authorized by the permit,
14 conformance with conditions of approval required by the permit and the
15 standards established by subsection (4)(d) of this section.

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

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

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

1 “(c) The authorizations provided by subsection (4) of this section are in
2 addition to other authorizations that may be provided by law, except that
3 ‘outdoor mass gathering’ and ‘other gathering,’ as those terms are used in
4 ORS 197.015 (10)(d), do not include agri-tourism or other commercial events
5 and activities.”.

6
