

# Senate Bill 464

Sponsored by Senator WEBER; Representatives EDWARDS, JAVADI, LEVY B, WRIGHT (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act allows an owner a separate approval path for changes made to a home. (Flesch Readability Score: 67.5).

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

## A BILL FOR AN ACT

1 Relating to housing; creating new provisions; and amending ORS 215.213, 215.283 and 215.755.

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

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

4 **SECTION 2. (1) The local government shall approve an application to alter, restore or**  
5 **replace a dwelling if:**

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

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

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

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

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

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

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

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

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

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

21 **(C) Be located wholly or partially within the footprint of the former dwelling unless the**  
22 **applicant chooses a different location within the same lot or parcel to comply with local flood**  
23 **regulations or to avoid a natural hazard area; and**

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

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

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

27 **(2) A local government may not add conditions to the approval or siting of a dwelling**  
28 **under this section except as necessary to maintain participation in the National Flood In-**  
29 **surance Program under 42 U.S.C. 4001 et seq.**  
30

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

2 **(a) A hearing officer, as defined in ORS 215.402 or 227.160;**

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

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

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

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

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

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

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

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

19 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

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

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

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

15 (m) Minor betterment of existing public road and highway related facilities, such as maintenance  
16 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous  
17 public-owned property 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 the existing dwelling has  
20 been listed in a county inventory as historic property as defined in ORS 358.480.

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

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

23 (q) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS  
24 215.291 **or section 2 of this 2025 Act.**

25 (r) Farm stands if:

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

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

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

38 (t) 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 (u) A facility for the processing of farm products as described in ORS 215.255.

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

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

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

12 (A) A public right of way;

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

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

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

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

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

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

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

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

34 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
 35 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
 36 215.296:

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

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

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

44 (b) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest  
 45 product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than re-

1 required under paragraph (a) of this subsection, if the lot or parcel:

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

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

8 (c) Commercial activities that are in conjunction with farm use, including the processing of farm  
9 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

10 (d) Operations conducted for:

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

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

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

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

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

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

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

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

44 (i) A facility for the primary processing of forest products, provided that such facility is found  
45 to not seriously interfere with accepted farming practices and is compatible with farm uses de-

1 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is  
2 renewable. These facilities are intended to be only portable or temporary in nature. The primary  
3 processing of a forest product, as used in this section, means the use of a portable chipper or stud  
4 mill or other similar methods of initial treatment of a forest product in order to enable its shipment  
5 to market. Forest products, as used in this section, means timber grown upon a parcel of land or  
6 contiguous land where the primary processing facility is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (v) Operations for the extraction and bottling of water.
- 2 (w) An aerial fireworks display business that has been in continuous operation at its current  
3 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's  
4 permit to sell or provide fireworks.
- 5 (x) A landscape contracting business, as defined in ORS 671.520, or a business providing land-  
6 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction  
7 with the growing and marketing of nursery stock on the land that constitutes farm use.
- 8 (y) Public or private schools for kindergarten through grade 12, including all buildings essential  
9 to the operation of a school, primarily for residents of the rural area in which the school is located.
- 10 (z) Equine and equine-affiliated therapeutic and counseling activities, provided:
- 11 (A) The activities are conducted in existing buildings that were lawfully constructed on the  
12 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate  
13 to the farm use on the tract; and
- 14 (B) All individuals conducting therapeutic or counseling activities are acting within the proper  
15 scope of any licenses required by the state.
- 16 (aa) Child care facilities, preschool recorded programs or school-age recorded programs that are:
- 17 (A) Authorized under ORS 329A.250 to 329A.450;
- 18 (B) Primarily for the children of residents and workers of the rural area in which the facility  
19 or program is located; and
- 20 (C) Colocated with a community center or a public or private school allowed under this sub-  
21 section.
- 22 (3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
23 a single-family residential dwelling not provided in conjunction with farm use may be established  
24 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by  
25 the Agricultural Capability Classification System in use by the United States Department of Agri-  
26 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval  
27 of the governing body or its designee in any area zoned for exclusive farm use upon written findings  
28 showing all of the following:
- 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) The dwelling is situated upon generally unsuitable land for the production of farm crops and  
32 livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location  
33 and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size  
34 or location if it can reasonably be put to farm use in conjunction with other land.
- 35 (c) Complies with such other conditions as the governing body or its designee considers neces-  
36 sary.
- 37 (4) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
38 one single-family dwelling, not provided in conjunction with farm use, may be established in any  
39 area zoned for exclusive farm use on a lot or parcel described in subsection (7) of this section that  
40 is not larger than three acres upon written findings showing:
- 41 (a) The dwelling or activities associated with the dwelling will not force a significant change in  
42 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use;
- 43 (b) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a  
44 geological hazard area, the dwelling complies with conditions imposed by local ordinances relating  
45 specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is

1 applicable; and

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

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

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

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

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

19 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,  
20 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

43 (a) A county may authorize a single agri-tourism or other commercial event or activity on a  
44 tract in a calendar year by an authorization that is personal to the applicant and is not transferred  
45 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event



1 or activity meets any local standards that apply and:

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

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

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

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

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

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

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

16 (i) Planned hours of operation;

17 (ii) Access, egress and parking;

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

20 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (D) Must comply with ORS 215.296;

3 (E) May not, in combination with other agri-tourism or other commercial events or activities  
4 authorized in the area, materially alter the stability of 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 that are authorized during  
7 each calendar year, including the number and duration of the agri-tourism or other commercial  
8 events and activities, the anticipated daily attendance and the hours of operation;

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

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

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

15 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

1 authorized by the permit.

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

6 **SECTION 4.** ORS 215.283 is amended to read:

7 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

14 (A) ORS 215.275; or

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

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

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

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

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

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

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

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

44 (k) Minor betterment of existing public road and highway related facilities such as maintenance  
45 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous

1 public-owned property utilized to support the operation and maintenance of public roads and high-  
2 ways.

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

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

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

7 (o) Farm stands if:

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

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

17 (p) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS  
18 215.291 **or section 2 of this 2025 Act.**

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

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

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

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

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

38 (A) A public right of way;

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

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

42 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-  
43 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with  
44 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application  
45 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of

1 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-  
2 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this  
3 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application  
4 of biosolids is limited to treatment using treatment facilities that are portable, temporary and  
5 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land  
6 application of biosolids is authorized under the license, permit or other approval.

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

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

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

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

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

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

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

20 (a) Commercial activities that are in conjunction with farm use, including the processing of farm  
21 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

22 (b) Operations conducted for:

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

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

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

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

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

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

41 (e) Community centers owned by a governmental agency or a nonprofit community organization  
42 and operated primarily by and for residents of the local rural community. A community center au-  
43 thorized under this paragraph may provide services to veterans, including but not limited to emer-  
44 gency and transitional shelter, preparation and service of meals, vocational and educational  
45 counseling and referral to local, state or federal agencies providing medical, mental health, disability

1 income replacement and substance abuse services, only in a facility that is in existence on January  
2 1, 2006. The services may not include direct delivery of medical, mental health, disability income  
3 replacement or substance abuse services.

4 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (B) Dog training classes or testing trials that cannot be established under subsection (1)(x) of

1 this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (A) The activities are conducted in existing buildings that were lawfully constructed on the

1 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate  
2 to the farm use on the tract; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (i) Planned hours of operation;

40 (ii) Access, egress and parking;

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

43 (iv) Sanitation and solid waste.

44 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
45 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-



1 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-  
 2 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision  
 3 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.  
 4 To approve an expedited, single-event license, the governing body of a county or its designee must  
 5 determine that the proposed agri-tourism or other commercial event or activity meets any local  
 6 standards that apply, and the agri-tourism or other commercial event 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 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

25 (D) Must comply with ORS 215.296;

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

28 (F) Must comply with conditions established for:

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

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

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

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

38 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

29 **SECTION 5.** ORS 215.755 is amended to read:

30 215.755. Subject to the approval of the governing body or its designee, the following dwellings  
 31 may be established in any area zoned for forest use under a land use planning goal protecting  
 32 forestland, provided that the requirements of the acknowledged comprehensive plan, land use regu-  
 33 lations and other applicable provisions of law are met:

34 (1) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS  
 35 215.291 **or section 2 of this 2025 Act.**

36 (2) One manufactured dwelling or recreational vehicle, or the temporary use of an existing  
 37 building, in conjunction with an existing dwelling as a temporary use for the term of a hardship  
 38 suffered by the existing resident or a relative of the resident. Within three months of the end of the  
 39 hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in  
 40 the case of an existing building, the building shall be removed, demolished or returned to an allowed  
 41 nonresidential use. The governing body or its designee shall provide for periodic review of the  
 42 hardship claimed under this subsection. A temporary dwelling established under this section shall  
 43 not qualify for replacement under the provisions of subsection (1) of this section.

44 (3) Caretaker residences for public parks and public fish hatcheries.  
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