

HOUSE AMENDMENTS TO HOUSE BILL 2516

By COMMITTEE ON ECONOMIC DEVELOPMENT AND SMALL BUSINESS

April 18

- 1 On page 1 of the printed bill, line 2, delete “475C.065, 475C.117,”.
- 2 Delete line 3 and insert “215.213, 215.283, 475C.117, 475C.177, 475C.205, 475C.449, 475C.489,
3 475C.513 and 475C.674; and prescribing an effective date.”.
- 4 Delete lines 5 through 29 and delete pages 2 through 6 and insert:
- 5 **“SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 215.203 to**
6 **215.311.**
- 7 **“SECTION 2. (1) As used in this section:**
- 8 **“(a) ‘Cannabis tourism center’ means an entity established under this section at a**
9 **premises licensed under ORS 475C.065.**
- 10 **“(b) ‘Marijuana’ has the meaning given that term in ORS 475C.009.**
- 11 **“(c) ‘Marijuana producer’ means a marijuana producer that holds a license issued under**
12 **ORS 475C.065.**
- 13 **“(d) ‘Usable marijuana’ has the meaning given that term in ORS 475C.009.**
- 14 **“(2) A marijuana producer, at a premises licensed under ORS 475C.065 and where**
15 **marijuana is produced outdoors, or both indoors and outdoors, may operate a cannabis**
16 **tourism center as a conditional use on land zoned for exclusive farm use under ORS 215.213**
17 **(1)(cc) and 215.283 (1)(aa) or on land zoned for other purposes, subject to any approval re-**
18 **quired by the local government with land use jurisdiction over the site of the cannabis**
19 **tourism center. The following activities may be conducted at a cannabis tourism center:**
- 20 **“(a) Tours of the licensed premises, including of any greenhouses or other facilities used**
21 **for marijuana production;**
- 22 **“(b) Subject to subsection (4) of this section, providing samples of usable marijuana di-**
23 **rectly to patrons if:**
- 24 **“(A) The total amount provided does not exceed 3.5 grams of usable marijuana per patron**
25 **per day; and**
- 26 **“(B) The usable marijuana provided directly to patrons is produced by the marijuana**
27 **producer;**
- 28 **“(c) Educational activities directly related to marijuana production; and**
- 29 **“(d) The marketing and sale of items related to the promotion of marijuana produced by**
30 **the marijuana producer or marijuana items processed using marijuana produced by the**
31 **marijuana producer.**
- 32 **“(3) A marijuana producer shall, prior to allowing a patron to enter the licensed prem-**
33 **ises, verify that the patron is at least 21 years of age.**
- 34 **“(4)(a) The marijuana producer shall track, using the system developed and maintained**
35 **under ORS 475C.177, a usable marijuana sample offered under subsection (2) of this section.**

1 “(b) A patron may consume a usable marijuana sample offered under subsection (2) of
2 this section at the cannabis tourism center provided that the consumption does not violate
3 ORS 433.835 to 433.875.

4 “(5) A cannabis tourism center operating under this section shall provide parking for all
5 activities or uses of the lot, parcel or tract on which the cannabis tourism center is estab-
6 lished.

7 “(6) A local government with land use jurisdiction over the site of a cannabis tourism
8 center shall ensure that the premises complies with:

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

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

12 “(c) Regulations for resource protection acknowledged to comply with any statewide goal
13 respecting open spaces, scenic and historic areas and natural resources.

14 “(7)(a) For the purpose of limiting demonstrated conflicts with accepted farm and forest
15 practices on adjacent lands, a local government with land use jurisdiction over the site of a
16 cannabis tourism center shall:

17 “(A) Except as provided in paragraph (b) of this subsection, establish a setback of at least
18 20 feet from all property lines for the cannabis tourism center and all public gathering
19 places; and

20 “(B) Require cannabis tourism centers to provide direct road access and internal circu-
21 lation for the cannabis tourism center and all public gathering places.

22 “(b) A local government may allow a setback of less than 20 feet by granting a cannabis
23 tourism center an adjustment or variance to the requirement described in paragraph (a)(A)
24 of this subsection.

25 “(8) A local government with land use jurisdiction over the site of a cannabis tourism
26 center may, pursuant to ORS 475C.449, adopt ordinances that impose reasonable regulations,
27 as defined in ORS 475C.449, on the operation of a cannabis tourism center, including but not
28 limited to reasonable regulations on the hours during which a cannabis tourism center may
29 offer tours.

30 “**SECTION 3.** ORS 215.213 is amended to read:

31 “215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
32 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

39 “(A) ORS 215.275; or

40 “(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
41 469.300.

42 “(d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of
43 the farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
44 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
45 operator does or will require the assistance of the relative in the management of the farm use and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 “(r) Farm stands if:

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

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

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

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

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

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

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

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

32 “(A) A public right of way;

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

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

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

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

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

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

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

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

9 “(cc) **A cannabis tourism center, as described in section 2 of this 2023 Act.**

10 “(2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
11 the following uses may be established in any area zoned for exclusive farm use subject to ORS
12 215.296:

13 “(a) A primary dwelling in conjunction with farm use or the propagation or harvesting of a
14 forest product on a lot or parcel that is managed as part of a farm operation or woodlot if the farm
15 operation or woodlot:

16 “(A) Consists of 20 or more acres; and

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

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

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

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

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

31 “(d) Operations conducted for:

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

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

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

37 “(D) Processing of other mineral resources and other subsurface resources.

38 “(e) Community centers owned by a governmental agency or a nonprofit community organization
39 and operated primarily by and for residents of the local rural community, hunting and fishing pre-
40 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the
41 county governing body or its designee, a private campground may provide yurts for overnight
42 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include
43 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
44 Upon request of a county governing body, the Land Conservation and Development Commission may
45 provide by rule for an increase in the number of yurts allowed on all or a portion of the

1 campgrounds in a county if the commission determines that the increase will comply with the stan-
2 dards described in ORS 215.296 (1). A public park or campground may be established as provided
3 under ORS 195.120. As used in this paragraph, ‘yurt’ means a round, domed shelter of cloth or can-
4 vas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

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

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

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

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

27 “(j) A site for the disposal of solid waste approved by the governing body of a city or county
28 or both and for which a permit has been granted under ORS 459.245 by the Department of Envi-
29 ronmental Quality together with equipment, facilities or buildings necessary for its operation.

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

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

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

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

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

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

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

45 “(q) Reconstruction or modification of public roads and highways involving the removal or dis-

1 placement of buildings but not resulting in the creation of new land parcels.

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

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

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

9 “(u) A living history museum related to resource based activities owned and operated by a
10 governmental agency or a local historical society, together with limited commercial activities and
11 facilities that are directly related to the use and enjoyment of the museum and located within au-
12 thentic buildings of the depicted historic period or the museum administration building, if areas
13 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
14 the museum administration buildings and parking lot are located within one quarter mile of the
15 metropolitan urban growth boundary. As used in this paragraph:

16 “(A) ‘Living history museum’ means a facility designed to depict and interpret everyday life and
17 culture of some specific historic period using authentic buildings, tools, equipment and people to
18 simulate past activities and events; and

19 “(B) ‘Local historical society’ means the local historical society, recognized as such by the
20 county governing body and organized under ORS chapter 65.

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

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

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

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

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

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

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

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

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

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

41 “(C) Colocated with a community center or a public or private school allowed under this sub-
42 section.

43 “(3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
44 a single-family residential dwelling not provided in conjunction with farm use may be established
45 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by

1 the Agricultural Capability Classification System in use by the United States Department of Agri-
2 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval
3 of the governing body or its designee in any area zoned for exclusive farm use upon written findings
4 showing all of the following:

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

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

12 “(c) Complies with such other conditions as the governing body or its designee considers nec-
13 essary.

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

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

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

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

27 “(5) Upon receipt of an application for a permit under subsection (4) of this section, the gov-
28 erning body shall notify:

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

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

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

42 “(7) Subsection (4) of this section applies to a lot or parcel lawfully created between January
43 1, 1948, and July 1, 1983. For the purposes of this section:

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

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

1 scribed in this section; and

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

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

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

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

12 “(10) 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 appli-
16 cable 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 “(11) The following agri-tourism and other commercial events or activities that are related to
20 and 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
26 existing 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
30 not 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
17 to six agri-tourism or other commercial events or activities on a tract in a calendar year by a lim-
18 ited 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
33 be 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
37 of 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 nec-
45 essary 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 “(12) A holder of a permit authorized by a county under subsection (11)(d) of this section must
6 request 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 con-
11 ditions of approval required by the permit and the standards established by subsection (11)(d) of this
12 section.
13 “(13) For the purposes of subsection (11) 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 (11) of this sec-
16 tion. However, the temporary structures must be removed at the end of the agri-tourism or other
17 event or activity. The county may not approve an alteration to the land in connection with an
18 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,
19 including, but not limited to, grading, filling or paving.
20 “(b) The county may issue the limited use permits authorized by subsection (11)(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 (11)(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 (11) of this section are in addition to other au-
26 thorizations that may be provided by law, except that ‘outdoor mass gathering’ and ‘other
27 gathering,’ as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other
28 commercial events and activities.
29 “**SECTION 4.** ORS 215.283 is amended to read:
30 “215.283. (1) The following uses may be established in any area zoned for exclusive farm use:
31 “(a) Churches and cemeteries in conjunction with churches.
32 “(b) The propagation or harvesting of a forest product.
33 “(c) Utility facilities necessary for public service, including wetland waste treatment systems
34 but not including commercial facilities for the purpose of generating electrical power for public use
35 by sale or transmission towers over 200 feet in height. A utility facility necessary for public service
36 may be established as provided in:
37 “(A) ORS 215.275; or
38 “(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
39 469.300.
40 “(d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of
41 the farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
42 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
43 operator does or will require the assistance of the relative in the management of the farm use and
44 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
45 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS

1 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
2 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
3 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
4 shall operate as a partition of the homesite to create a new parcel.

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

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

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

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

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

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

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

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

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

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

30 “(o) Farm stands if:

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

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

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

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

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

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

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

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

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

16 "(A) A public right of way;

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

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

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

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

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

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

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

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

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

41 "**(aa) A cannabis tourism center, as described in section 2 of this 2023 Act.**

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

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

1 “(b) Operations conducted for:

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

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

4 “(B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-

5 sources subject to ORS 215.298;

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

7 “(D) Processing of other mineral resources and other subsurface resources.

8 “(c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the

9 approval of the county governing body or its designee, a private campground may provide yurts for

10 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,

11 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent

12 foundation. Upon request of a county governing body, the Land Conservation and Development

13 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion

14 of the campgrounds in a county if the commission determines that the increase will comply with the

15 standards described in ORS 215.296 (1). As used in this paragraph, ‘yurt’ means a round, domed

16 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or

17 internal cooking appliance.

18 “(d) Parks and playgrounds. A public park may be established consistent with the provisions of

19 ORS 195.120.

20 “(e) Community centers owned by a governmental agency or a nonprofit community organization

21 and operated primarily by and for residents of the local rural community. A community center au-

22 thorized under this paragraph may provide services to veterans, including but not limited to emer-

23 gency and transitional shelter, preparation and service of meals, vocational and educational

24 counseling and referral to local, state or federal agencies providing medical, mental health, disability

25 income replacement and substance abuse services, only in a facility that is in existence on January

26 1, 2006. The services may not include direct delivery of medical, mental health, disability income

27 replacement or substance abuse services.

28 “(f) Golf courses on land:

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

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

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

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

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

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

35 the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation

36 facility may be established as a commercial utility facility as provided in ORS 215.447. A renewable

37 energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

38 “(h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-

39 tenance and service facilities. A personal-use airport, as used in this section, means an airstrip re-

40 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional

41 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-

42 erations. No aircraft may be based on a personal-use airport other than those owned or controlled

43 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be

44 granted through waiver action by the Oregon Department of Aviation in specific instances. A

45 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-

1 ject to any applicable rules of the Oregon Department of Aviation.

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

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

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

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

22 “(m) Transmission towers over 200 feet in height.

23 “(n)(A) Commercial dog boarding kennels; or

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

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

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

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

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

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

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

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

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

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

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

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

13 “(B) ‘Local historical society’ means the local historical society recognized by the county gov-
14 erning body and organized under ORS chapter 65.

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

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

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

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

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

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

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

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

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

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

36 “(C) Colocated with a community center or a public or private school allowed under this sub-
37 section.

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

41 “(a) Adoption of an exception to the goal related to agricultural lands and to any other appli-
42 cable goal with which the facility or improvement does not comply; or

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

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

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

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

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

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

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

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

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

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

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

20 “(i) Planned hours of operation;

21 “(ii) Access, egress and parking;

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

24 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

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

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

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

16 agri-tourism or other commercial events or activities;

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

18 of public roads; and

19 “(v) Sanitation and solid waste.

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

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

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

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

24 other commercial events or activities:

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

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

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

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

29 and

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

31 “(5) A holder of a permit authorized by a county under subsection (4)(d) of this section must

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

33 shall:

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

35 and

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

37 ditions of approval required by the permit and the standards established by subsection (4)(d) of this

38 section.

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

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

41 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.

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

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

44 or other commercial event or activity authorized under subsection (4) of this section, including, but

45 not limited to, grading, filling or paving.

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

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

10 “**SECTION 5.** ORS 475C.177 is amended to read:

11 “475C.177. (1) The Oregon Liquor and Cannabis Commission shall develop and maintain a system
12 for tracking the transfer of marijuana items between premises for which licenses have been issued
13 under ORS 475C.005 to 475C.525.

14 “(2) The purposes of the system developed and maintained under this section include, but are
15 not limited to:

16 “(a) Preventing the diversion of marijuana items to criminal enterprises, gangs, cartels and other
17 states;

18 “(b) Preventing persons from substituting or tampering with marijuana items;

19 “(c) Ensuring an accurate accounting of the production, processing and sale of marijuana items;

20 “(d) Ensuring that laboratory testing results are accurately reported; and

21 “(e) Ensuring compliance with ORS 475C.005 to 475C.525, rules adopted under ORS 475C.005 to
22 475C.525 and any other law of this state that charges the commission with a duty, function or power
23 related to marijuana.

24 “(3) The system developed and maintained under this section must be capable of tracking, at a
25 minimum:

26 “(a) The propagation of immature marijuana plants and the production of marijuana by a
27 marijuana producer;

28 “(b) The processing of marijuana by a marijuana processor;

29 “(c) The receiving, storing and delivering of marijuana items by a marijuana wholesaler;

30 “(d) The sale of marijuana items by a marijuana retailer to a consumer;

31 “(e) The sale and purchase of marijuana items between licensees, as permitted by ORS 475C.005
32 to 475C.525;

33 “(f) The transfer of marijuana items between premises for which licenses have been issued under
34 ORS 475C.005 to 475C.525; [and]

35 “(g) **The sampling of usable marijuana, as described in section 2 of this 2023 Act; and**

36 “(h) Any other information that the commission determines is reasonably necessary to accom-
37 plish the duties, functions and powers of the commission under ORS 475C.005 to 475C.525.

38 “**SECTION 6.** ORS 475C.489 is amended to read:

39 “475C.489. (1) Marijuana is:

40 “(a) A crop for the purposes of ‘farm use’ as defined in ORS 215.203;

41 “(b) A crop for purposes of a ‘farm’ and ‘farming practice,’ both as defined in ORS 30.930;

42 “(c) A product of farm use as described in ORS 308A.062; and

43 “(d) The product of an agricultural activity for purposes of ORS 568.909.

44 “(2) Notwithstanding ORS chapters 195, 196, 197, 215 and 227, the following are not permitted
45 uses on land designated for exclusive farm use:

1 “(a) A new dwelling used in conjunction with a marijuana crop;

2 “(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction with

3 a marijuana crop; and

4 “(c) **Except for a cannabis tourism center described in section 2 of this 2023 Act**, a com-

5 mercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in conjunction with

6 a marijuana crop.

7 “(3) A county may allow the production of marijuana as a farm use on land zoned for farm or

8 forest use in the same manner as the production of marijuana is allowed in exclusive farm use zones

9 under this section and ORS 215.213, 215.283 and 475C.053.

10 “(4) This section applies to:

11 “(a) Marijuana producers that hold a license issued under ORS 475C.065;

12 “(b) Persons registered under ORS 475C.792 and designated to produce marijuana by one or

13 more persons who hold valid registry identification cards issued under ORS 475C.783; and

14 “(c) For the purpose of producing marijuana or propagating immature marijuana plants, re-

15 searchers of cannabis that hold a certificate issued under ORS 475C.289.

16 “**SECTION 7. Sections 8 and 9 of this 2023 Act are added to and made a part of ORS**

17 **475C.005 to 475C.525.**

18 “**SECTION 8. All agencies of state government, as defined in ORS 174.111, shall provide**

19 **the same services to businesses licensed or registered under ORS 475C.005 to 475C.525,**

20 **475C.548, 475C.770 to 475C.919 or 571.260 to 571.348 as to all other businesses.**

21 “**SECTION 9. (1) At a trade show or similar event:**

22 “(a) A marijuana producer that holds a license issued under ORS 475C.065 and a

23 marijuana processor that holds a license issued under ORS 475C.085 may:

24 “(A) Transfer marijuana items to a marijuana retailer that holds a license issued under

25 ORS 475C.097; and

26 “(B) Provide to a licensee or holder of a permit issued under ORS 475C.273 samples of

27 marijuana items.

28 “(b) A marijuana wholesaler that holds a license issued under ORS 475C.093 may:

29 “(A) Sell at wholesale or transfer marijuana items to a marijuana retailer that holds a

30 license issued under ORS 475C.097; and

31 “(B) Provide to a licensee or holder of a permit issued under ORS 475C.273 samples of

32 marijuana items.

33 “(c) A marijuana retailer that holds a license issued under ORS 475C.097 may receive

34 from a marijuana producer that holds a license issued under ORS 475C.065, a marijuana

35 processor that holds a license issued under ORS 475C.085 or a marijuana wholesaler that

36 holds a license issued under ORS 475C.093 marijuana items sold or transferred as described

37 in this subsection.

38 “(d) A licensee or holder of a permit issued under ORS 475C.273 may receive from a

39 marijuana producer that holds a license issued under ORS 475C.065, a marijuana processor

40 that holds a license issued under ORS 475C.085 or a marijuana wholesaler that holds a license

41 issued under ORS 475C.093 samples of marijuana items provided as described in this sub-

42 section.

43 “(2) The Oregon Liquor and Cannabis Commission may adopt rules to carry out this

44 section.

45 “**SECTION 10. ORS 475C.117 is amended to read:**

1 “475C.117. (1) A marijuana retailer that holds a license issued under ORS 475C.097 may make
2 deliveries to a consumer pursuant to the consumer’s bona fide order received by the marijuana
3 retailer. The delivery of marijuana items under this section may be made to a consumer:

4 “(a) Within the same city or unincorporated area of the county in which the marijuana retailer
5 is located; or

6 “(b) In a city or the unincorporated area of a county that is adjacent to the city or
7 unincorporated area of the county in which the marijuana retailer is located, provided the adjacent
8 city or county has adopted an ordinance allowing for the delivery of marijuana items by a marijuana
9 retailer located in an adjacent city or unincorporated area of a county.

10 “(2) A marijuana retailer that makes deliveries under this section shall:

11 “(a) Ensure that deliveries are made in an efficient and timely manner.

12 “(b) Upon request, provide to the Oregon Liquor and Cannabis Commission information on each
13 vehicle used to make deliveries of marijuana items under this section, including the make, model,
14 year, color, vehicle identification number and registration plate number.

15 “(c) Maintain an electronic or physical record of each bona fide order for the delivery of
16 marijuana items that the marijuana retailer fulfills.

17 “(d) Report to the commission, and as necessary to the appropriate law enforcement agency, any
18 accidents or losses involving a delivery vehicle.

19 “(3) An individual who makes deliveries on behalf of a marijuana retailer under this section:

20 “(a) Shall:

21 “(A) Hold a permit issued under ORS 475C.273 and carry the permit while making deliveries
22 under this section.

23 “(B) Have a method of secure electronic communication in order to communicate with the
24 marijuana retailer for which the individual is making deliveries.

25 “(C) Maintain an electronic or physical record of a bona fide order for a delivery of a marijuana
26 item.

27 “(D) Present to the consumer a printed or electronic delivery manifest and obtain on the mani-
28 fest the consumer’s written or electronic signature verifying completion of the delivery of marijuana
29 items.

30 “(E) Except in the case of an emergency or unsafe road conditions or as necessary for fuel, rest
31 or vehicle repair, travel only between the premises of the marijuana retailer and the locations at
32 which the deliveries of marijuana items are made.

33 “(b) May not:

34 “(A) Leave a delivery vehicle that contains marijuana items unattended unless the delivery ve-
35 hicle is locked and equipped with an active vehicle alarm system.

36 “(B) Carry more than \$10,000 worth of marijuana items in a delivery vehicle at any one time.

37 “(C) Consume, or be under the influence of, marijuana while making deliveries under this sec-
38 tion.

39 “(4) A delivery vehicle must:

40 “(a) While being used for making deliveries, be equipped with an active global positioning sys-
41 tem device that tracks the location of the delivery vehicle and enables the marijuana retailer for
42 which the deliveries are being made to identify the location of the delivery vehicle.

43 “(b) Be equipped with a lockable container in a secured cargo area of the delivery vehicle that
44 is of a size appropriate to contain the marijuana items being delivered.

45 “(c) Be free of any markings that may indicate that the delivery vehicle is used for the purpose

1 of delivering marijuana items.

2 “(5) A delivery of marijuana items may not be made to a consumer who is located on land owned
3 or leased by the federal government.

4 “(6) The commission may adopt rules to carry out the purposes of this section. **Rules adopted**
5 **under this subsection must allow the delivery of marijuana items under this section to a**
6 **consumer at a hotel or inn, as defined in ORS 699.005.**

7 “**SECTION 11.** ORS 475C.205 is amended to read:

8 “475C.205. (1) Except as provided in ORS 475C.137 and 475C.850 **and sections 2 and 9 of this**
9 **2023 Act** and rules adopted pursuant to ORS 475C.065, a marijuana producer that holds a license
10 issued under ORS 475C.065, marijuana processor that holds a license issued under ORS 475C.085 or
11 marijuana wholesaler that holds a license issued under ORS 475C.093 may deliver marijuana items
12 only to or on a premises for which a license has been issued under ORS 475C.065, 475C.085, 475C.093
13 or 475C.097, or to a registry identification cardholder or designated primary caregiver as allowed
14 under ORS 475C.005 to 475C.525.

15 “(2) A licensee to which marijuana items may be delivered under subsection (1) of this section
16 may receive marijuana items only from:

17 “(a) A marijuana producer that holds a license issued under ORS 475C.065, marijuana processor
18 that holds a license issued under ORS 475C.085, marijuana wholesaler that holds a license issued
19 under ORS 475C.093, marijuana retailer that holds a license issued under ORS 475C.097 or a labo-
20 ratory licensed under ORS 475C.548;

21 “(b) A researcher of cannabis that holds a certificate issued under ORS 475C.289 and that
22 transfers limited amounts of marijuana, usable marijuana, cannabinoid products, cannabinoid con-
23 centrates and cannabinoid extracts in accordance with procedures adopted under ORS 475C.289
24 (3)(d) and (e);

25 “(c) A marijuana grow site registered under ORS 475C.792, marijuana processing site registered
26 under ORS 475C.815, or a medical marijuana dispensary registered under ORS 475C.833, acting in
27 accordance with procedures adopted by the Oregon Liquor and Cannabis Commission under ORS
28 475C.169; or

29 “(d) A marijuana grow site registered under ORS 475C.792, acting in accordance with ORS
30 475C.800 and any procedures adopted by rule by the commission.

31 “(3) Except as provided in ORS 475C.117, the sale of marijuana items by a marijuana retailer
32 that holds a license issued under ORS 475C.097 must be restricted to the premises for which the li-
33 cense has been issued.

34 “(4) The commission may by order waive the requirements of subsections (1) and (2) of this
35 section to ensure compliance with ORS 475C.005 to 475C.525 or a rule adopted under ORS 475C.005
36 to 475C.525. An order issued under this subsection does not constitute a waiver of any other re-
37 quirement of ORS 475C.005 to 475C.525 or any other rule adopted under ORS 475C.005 to 475C.525.

38 “**SECTION 12.** ORS 475C.449 is amended to read:

39 “475C.449. (1) For purposes of this section, ‘reasonable regulations’ includes:

40 “(a)(A) Reasonable conditions on the manner in which a marijuana producer that holds a license
41 issued under ORS 475C.065 may produce marijuana or in which a researcher of cannabis that holds
42 a certificate issued under ORS 475C.289 may produce marijuana or propagate immature marijuana
43 plants; **and**

44 “(B) **Reasonable conditions on the manner in which a marijuana producer that holds a**
45 **license issued under ORS 475C.065 and that operates a cannabis tourism center, as described**

1 **in section 2 of this 2023 Act, at the licensed premises may operate;**

2 “(b) Reasonable conditions on the manner in which a marijuana processor that holds a license
3 issued under ORS 475C.085 may process marijuana or in which a researcher of cannabis that holds
4 a certificate issued under ORS 475C.289 may process marijuana;

5 “(c) Reasonable conditions on the manner in which a marijuana wholesaler that holds a license
6 issued under ORS 475C.093 may sell marijuana at wholesale;

7 “(d) Reasonable conditions on the manner in which a marijuana retailer that holds a license is-
8 sued under ORS 475C.097 may sell marijuana items;

9 “(e) Reasonable limitations on the hours during which a premises for which a license has been
10 issued under ORS 475C.005 to 475C.525 may operate;

11 “(f) Reasonable requirements related to the public’s access to a premises for which a license or
12 certificate has been issued under ORS 475C.005 to 475C.525; and

13 “(g) Reasonable limitations on where a premises for which a license or certificate may be issued
14 under ORS 475C.005 to 475C.525 may be located.

15 “(2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing body of a city or county
16 may adopt ordinances that impose reasonable regulations on the operation of businesses located at
17 premises for which a license or certificate has been issued under ORS 475C.005 to 475C.525 if the
18 premises are located in the area subject to the jurisdiction of the city or county, except that the
19 governing body of a city or county may not:

20 “(a) Adopt an ordinance that prohibits a premises for which a license has been issued under
21 ORS 475C.097 from being located within a distance that is greater than 1,000 feet of another prem-
22 ises for which a license has been issued under ORS 475C.097.

23 “(b) Adopt an ordinance that imposes a setback requirement for an agricultural building used
24 to produce marijuana located on a premises for which a license has been issued under ORS 475C.065
25 if the agricultural building:

26 “(A) Was constructed on or before July 1, 2015, in compliance with all applicable land use and
27 building code requirements at the time of construction;

28 “(B) Is located at an address where a marijuana grow site first registered with the Oregon
29 Health Authority under ORS 475C.792 on or before January 1, 2015;

30 “(C) Was used to produce marijuana pursuant to the provisions of ORS 475C.770 to 475C.919 on
31 or before January 1, 2015; and

32 “(D) Has four opaque walls and a roof.

33 “**SECTION 13.** ORS 475C.513 is amended to read:

34 “475C.513. (1) Notwithstanding ORS 475C.205 or any other provision prohibiting the transporta-
35 tion of marijuana items to or from a location for which a license has not been issued under ORS
36 475C.005 to 475C.525 or prohibiting the possession of marijuana items at a location for which a li-
37 cense has not been issued under ORS 475C.005 to 475C.525, a licensee may transport marijuana
38 items to and exhibit marijuana items at a trade show, the Oregon State Fair or a similar event if:

39 “(a) The marijuana items are tracked using the system developed and maintained under ORS
40 475C.177;

41 “(b) **Except for any marijuana items sold at wholesale or transferred pursuant to section**
42 **9 of this 2023 Act,** all of the marijuana items are returned to a premises for which a license has
43 been issued under ORS 475C.005 to 475C.525 immediately after the conclusion of the event; and

44 “(c) The licensee complies with any other requirement imposed by the Oregon Liquor and
45 Cannabis Commission by rule or order for the purpose of ensuring the security of the marijuana

1 items, for the purpose of preventing minors from having access to the marijuana items or for any
2 other purpose deemed relevant by the commission.

3 “(2) The commission shall adopt rules to implement this section.

4 “**SECTION 14.** ORS 475C.674 is amended to read:

5 “475C.674. (1) A tax is hereby imposed upon the retail sale of marijuana items in this state. The
6 tax imposed by this section is a direct tax on the consumer, for which payment upon retail sale is
7 required. The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer
8 at the time at which the retail sale occurs.

9 “(2) The tax imposed under this section shall be imposed at the rate of:

10 “(a) 17 percent of the retail sales price of usable marijuana;

11 “(b) 17 percent of the retail sales price of immature marijuana plants;

12 “(c) 17 percent of the retail sales price of a cannabinoid edible;

13 “(d) 17 percent of the retail sales price of a cannabinoid concentrate;

14 “(e) 17 percent of the retail sales price of a cannabinoid extract;

15 “(f) 17 percent of the retail sales price of a cannabinoid product that is intended to be used by
16 applying the cannabinoid product to the skin or hair; and

17 “(g) 17 percent of the retail sales price of cannabinoid products other than those described in
18 paragraph (f) of this subsection.

19 “(3) If the tax imposed under this section does not equal an amount calculable to a whole cent,
20 the tax shall be equal to the next higher whole cent.

21 “(4) Except as otherwise provided by the Department of Revenue by rule, the amount of the tax
22 shall be separately stated on an invoice, receipt or other similar document that the marijuana
23 retailer provides to the consumer at the time at which the retail sale occurs.

24 “(5) A person may not knowingly sell, purchase, install, transfer or possess electronic devices
25 or software programs for the purposes of:

26 “(a) Hiding or removing records of retail sales of marijuana items; or

27 “(b) Falsifying records of retail sales of marijuana items.

28 “(6)(a) A marijuana retailer may not [*discount a marijuana item or offer a marijuana item for free*
29 *if the retail sale of the marijuana item is made in conjunction with the retail sale of any other item*]
30 **offer for free or a discount a marijuana item if the offer is contingent on the simultaneous**
31 **retail sale of an item that is not a marijuana item.**

32 “(b) Paragraph (a) of this subsection does not affect any provision of ORS 475C.005 to 475C.525
33 or any rule adopted by the Oregon Liquor and Cannabis Commission pursuant to ORS 475C.005 to
34 475C.525 that is related to the retail sale of marijuana items.

35 “**SECTION 15.** (1) **Sections 2, 8 and 9 of this 2023 Act and the amendments to ORS 215.213,**
36 **215.283, 475C.117, 475C.177, 475C.205, 475C.449, 475C.489, 475C.513 and 475C.674 by sections 3 to**
37 **6 and 10 to 14 of this 2023 Act become operative on January 1, 2024.**

38 “(2) **The Department of Land Conservation and Development and the Oregon Liquor and**
39 **Cannabis Commission may take any action before the operative date specified in subsection**
40 **(1) of this section necessary to enable the commission and the department to exercise, on**
41 **and after the operative date specified in subsection (1) of this section, all of the duties,**
42 **functions and powers conferred on the commission and the department by sections 2, 8 and**
43 **9 of this 2023 Act and the amendments to ORS 215.213, 215.283, 475C.117, 475C.177, 475C.205,**
44 **475C.449, 475C.489, 475C.513 and 475C.674 by sections 3 to 6 and 10 to 14 of this 2023 Act.**

45 “**SECTION 16.** **This 2023 Act takes effect on the 91st day after the date on which the 2023**

1 **regular session of the Eighty-second Legislative Assembly adjourns sine die.”**
2 _____