

HB 4153-3
(LC 81)
2/11/26 (RLM/ps)

Requested by Representative BREESE-IVERSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 4153**

On page 1 of the printed bill, delete lines 6 through 30 and pages 2 through 20 and insert:

“SECTION 2. (1) As used in this section:

“(a)(A) ‘Agri-tourism activity’ means an activity that is conducted by a farm operation to promote the farm operation, visitors to a farm store and the sale of farm store products to the public and that may also generate commercial, entertainment or educational value. Such activities may include:

“(i) Farm tours;

“(ii) Educational exhibits or classes;

“(iii) Crop mazes;

“(iv) Play structures;

“(v) Farm-to-table meals;

“(vi) Animal petting and feeding exhibits;

“(vii) Hay or tractor rides; or

“(viii) Other seasonal or holiday events.

“(B) ‘Agri-tourism activity’ does not include using a farm store for lodging or as a dwelling.

“(b) ‘Farm-to-table meal’ means a meal offered as part of a fee-based dining experience, where food grown by a farm operation or farmers in a local agricultural area is prepared and served in a manner

1 that educates the public about agricultural production or on-site
2 sourcing.

3 “(c) ‘Farm unit’ means a farm operation comprising all parcels be-
4 ing farmed by a single operation, whether the operation owns or leases
5 the parcels.

6 “(d) ‘Farm use’ means, notwithstanding ORS 215.010, only those
7 activities listed under ORS 215.203 (2)(a) undertaken for the primary
8 purpose of obtaining a profit.

9 “(e) ‘Local agricultural area’ means Oregon or an adjacent county
10 in California, Idaho, Nevada or Washington that borders an Oregon
11 county in which a farm store is located.

12 “(f) ‘Processed farm product’ means a farm product that has been
13 transformed into a manufactured product through methods such as
14 cooking, baking, heating, drying, mixing, grinding, churning, sepa-
15 rating, extracting, cutting, butchering or freezing and has been pack-
16 aged or canned for human or animal use.

17 “(2) A farm store may be established as a permitted use on land
18 zoned for exclusive farm use under ORS 215.213 (1) and 215.283 (1), or
19 on land zoned for mixed farm and forest use, if:

20 “(a) The farm store is used for the sale of farm products produced
21 by the farm operation that operates the farm store;

22 “(b) No more than 10,000 square feet of one or more permanently
23 enclosed structures are used for the farm store uses listed in sub-
24 section (3) of this section; and

25 “(c) The farm store is situated on a tract of:

26 “(A) At least 80 acres with at least 45 acres employed for farm use;

27 “(B) Less than 80 acres but at least 40 acres and with at least 25
28 acres employed for farm use;

29 “(C) Less than 40 acres but at least 20 acres and with at least 15
30 acres employed for farm use; or

1 **“(D) Less than 20 acres if:**

2 **“(i) At least 10 acres are employed for farm use; or**

3 **“(ii) The farm store operates as part of a farm unit that has earned**
4 **at least \$10,000 in gross farm income cumulatively over the preceding**
5 **two years.**

6 **“(3) Farm stores may be used for:**

7 **“(a) The sale of the farm products or processed farm products**
8 **produced in the local agricultural area;**

9 **“(b) The sale of other retail items, if displayed in an area not to**
10 **exceed 25 percent of the floor area of the permanent enclosed farm**
11 **store structures;**

12 **“(c) The sale of beverages and prepared food items that are cooked**
13 **or otherwise made ready for immediate consumption; or**

14 **“(d) Agri-tourism activities.**

15 **“(4) The sale of retail items under subsection (3)(b) of this section**
16 **must take place within a permanent enclosed structure. All other al-**
17 **lowable farm store uses may take place outside or in temporary or**
18 **unenclosed structures.**

19 **“(5) In conjunction with an agri-tourism activity, a farm store may**
20 **use temporary structures or mobile vending units.**

21 **“(6) A farm store may include on-site kitchen facilities licensed by**
22 **the Oregon Health Authority under ORS 624.010 to 624.121. Food and**
23 **beverages prepared under subsection (3)(c) of this section may not be**
24 **served in a manner that causes the kitchen facilities to function as a**
25 **cafe or drive-through dining establishment.**

26 **“(7)(a) A local government with land use jurisdiction over the site**
27 **of a farm store may adopt siting standards for farm stores related to:**

28 **“(A) Access, egress and parking;**

29 **“(B) Traffic management;**

30 **“(C) Noise management;**

1 **“(D) Hours of event operation; or**

2 **“(E) Sanitation and solid waste.**

3 **“(b) A county may not apply siting standards in a manner that**
4 **prohibits the siting and operation of a farm store under this section.**

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

6 “215.213. (1) In counties that have adopted marginal lands provisions un-
7 der ORS 197.247 (1991 Edition), the following uses may be established in any
8 area zoned for exclusive farm use:

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

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

11 “(c) Utility facilities necessary for public service, not including commer-
12 cial facilities for the purpose of generating electrical power for public use
13 by sale or transmission towers over 200 feet in height, but including:

14 “(A) Utility facilities as provided in ORS 215.275;

15 “(B) Utility facilities that are associated transmission lines, as defined in
16 ORS 215.274 and 469.300;

17 “(C) Wetland waste treatment systems; or

18 “(D) Facilities and service lines needed to provide water or wastewater
19 services allowed under ORS 215.256.

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

1 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as
2 a partition of the homesite to create a new parcel.

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

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

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

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

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

30 “(j) Climbing and passing lanes within the right of way existing as of July

1 1, 1987.

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

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

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

14 “(n) A replacement dwelling to be used in conjunction with farm use if
15 the existing dwelling has been classified as historic property as described in
16 ORS 358.487 (4).

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

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

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

21 “(r) Farm stands if:

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

29 “(B) The farm stand does not include structures designed for occupancy
30 as a residence or for activity other than the sale of farm crops or livestock

1 and does not include structures for banquets, public gatherings or public
2 entertainment.

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

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

20 “(u) A facility for the processing of farm products as described in ORS
21 215.255.

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

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

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

30 “(A) A public right of way;

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

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

4 “(y) Subject to the issuance of a license, permit or other approval by the
5 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
6 468B.053 or 468B.055, or in compliance with rules adopted under ORS
7 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
8 reclaimed water, agricultural or industrial process water or biosolids, or the
9 onsite treatment of septage prior to the land application of biosolids, for
10 agricultural, horticultural or silvicultural production, or for irrigation in
11 connection with a use allowed in an exclusive farm use zone under this
12 chapter. For the purposes of this paragraph, onsite treatment of septage prior
13 to the land application of biosolids is limited to treatment using treatment
14 facilities that are portable, temporary and transportable by truck trailer, as
15 defined in ORS 801.580, during a period of time within which land applica-
16 tion of biosolids is authorized under the license, permit or other approval.

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

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

22 “(B) The number of dogs participating in a testing trial does not exceed
23 60 and the number of testing trials to be conducted on-site is limited to four
24 or fewer trials per calendar year.

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

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

27 **“(cc) A farm store, as described in section 2 of this 2026 Act.**

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

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

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

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

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

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

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

19 “(c) Commercial activities that are in conjunction with farm use, includ-
20 ing the processing of farm crops into biofuel not permitted under ORS
21 215.203 (2)(b)(K) or 215.255.

22 “(d) Operations conducted for:

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

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

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

30 “(D) Processing of other mineral resources and other subsurface re-

1 sources.

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

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

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

26 “(h) Personal-use airports for airplanes and helicopter pads, including
27 associated hangar, maintenance and service facilities. A personal-use airport
28 as used in this section means an airstrip restricted, except for aircraft
29 emergencies, to use by the owner, and, on an infrequent and occasional basis,
30 by invited guests, and by commercial aviation activities in connection with

1 agricultural operations. No aircraft may be based on a personal-use airport
2 other than those owned or controlled by the owner of the airstrip. Exceptions
3 to the activities permitted under this definition may be granted through
4 waiver action by the Oregon Department of Aviation in specific instances.
5 A personal-use airport lawfully existing as of September 13, 1975, shall con-
6 tinue to be permitted subject to any applicable rules of the Oregon Depart-
7 ment of Aviation.

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

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

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

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

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

26 “(m) The propagation, cultivation, maintenance and harvesting of aquatic
27 species that are not under the jurisdiction of the State Fish and Wildlife
28 Commission or insect species. Insect species shall not include any species
29 under quarantine by the State Department of Agriculture or the United
30 States Department of Agriculture. The county shall provide notice of all

1 applications under this paragraph to the State Department of Agriculture.
2 Notice shall be provided in accordance with the county's land use regu-
3 lations but shall be mailed at least 20 calendar days prior to any adminis-
4 trative decision or initial public hearing on the application.

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

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

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

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

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

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

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

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

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

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

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

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

13 “(x) A landscape contracting business, as defined in ORS 671.520, or a
14 business providing landscape architecture services, as described in ORS
15 671.318, if the business is pursued in conjunction with the growing and
16 marketing of nursery stock on the land that constitutes farm use.

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

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

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

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

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

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

30 “(B) Primarily for the children of residents and workers of the rural area

1 in which the facility or program is located; and

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

4 “(3) In counties that have adopted marginal lands provisions under ORS
5 197.247 (1991 Edition), a single-unit residential dwelling not provided in
6 conjunction with farm use may be established on a lot or parcel with soils
7 predominantly in capability classes IV through VIII as determined by the
8 Agricultural Capability Classification System in use by the United States
9 Department of Agriculture Soil Conservation Service on October 15, 1983. A
10 proposed dwelling is subject to approval of the governing body or its
11 designee in any area zoned for exclusive farm use upon written findings
12 showing all of the following:

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

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

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

23 “(4) In counties that have adopted marginal lands provisions under ORS
24 197.247 (1991 Edition), one single-unit dwelling, not provided in conjunction
25 with farm use, may be established in any area zoned for exclusive farm use
26 on a lot or parcel described in subsection (7) of this section that is not larger
27 than three acres upon written findings showing:

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

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

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

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

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

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

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

25 “(7) Subsection (4) of this section applies to a lot or parcel lawfully cre-
26 ated between January 1, 1948, and July 1, 1983. For the purposes of this
27 section:

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

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

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

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

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

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

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

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

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

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

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

30 “(A) The agri-tourism or other commercial event or activity is incidental

1 and subordinate to existing farm use on the tract;

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

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

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

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

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

14 “(G) The agri-tourism or other commercial event or activity complies with
15 conditions established 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
19 vehicles and any anticipated 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
22 county may authorize, through an expedited, single-event license, a single
23 agri-tourism or other commercial event or activity on a tract in a calendar
24 year by an expedited, single-event license that is personal to the applicant
25 and is not transferred by, or transferable with, a conveyance of the tract. A
26 decision concerning an expedited, single-event license is not a land use de-
27 cision, as defined in ORS 197.015. To approve an expedited, single-event li-
28 cense, the governing body of a county or its designee must determine that
29 the proposed agri-tourism or other commercial event or activity meets any
30 local standards that apply, and the agri-tourism or other commercial event

1 or activity:

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

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

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

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

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

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

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

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

26 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

12 “(v) Sanitation and solid waste.

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

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

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

24 “(C) Occur on a lot or parcel that complies with the acknowledged mini-
25 mum lot or parcel size; 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)
28 of this section must request review of the permit at four-year intervals. Upon
29 receipt of a request for review, the county shall:

30 “(a) Provide public notice and an opportunity for public comment as part

of the review process; and

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

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

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

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

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

“SECTION 4. ORS 215.283 is amended to read:

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

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

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

“(c) Utility facilities necessary for public service, not including commer-

1 cial facilities for the purpose of generating electrical power for public use
2 by sale or transmission towers over 200 feet in height, but including:

3 “(A) Utility facilities as provided in ORS 215.275;

4 “(B) Utility facilities that are associated transmission lines, as defined in
5 ORS 215.274 and 469.300;

6 “(C) Wetland waste treatment systems; or

7 “(D) Facilities and service lines needed to provide water or wastewater
8 services allowed under ORS 215.256.

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

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

24 “(f) Operations for the exploration for and production of geothermal re-
25 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,
26 including the placement and operation of compressors, separators and other
27 customary production equipment for an individual well adjacent to the
28 wellhead. Any activities or construction relating to such operations shall not
29 be a basis for an exception under ORS 197.732 (2)(a) or (b).

30 “(g) Operations for the exploration for minerals as defined by ORS

1 517.750. Any activities or construction relating to such operations shall not
2 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

17 “(L) A replacement dwelling to be used in conjunction with farm use if
18 the existing dwelling has been classified as historic property as described in
19 ORS 358.487 (4).

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

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

22 “(o) Farm stands if:

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

30 “(B) The farm stand does not include structures designed for occupancy

1 as a residence or for activity other than the sale of farm crops or livestock
2 and does not include structures for banquets, public gatherings or public
3 entertainment.

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

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

20 “(r) A facility for the processing of farm products as described in ORS
21 215.255.

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

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

26 “(u) Utility facility service lines. Utility facility service lines are utility
27 lines and accessory facilities or structures that end at the point where the
28 utility service is received by the customer and that are located on one or
29 more of the following:

30 “(A) A public right of way;

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

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

4 “(v) Subject to the issuance of a license, permit or other approval by the
5 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
6 468B.053 or 468B.055, or in compliance with rules adopted under ORS
7 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
8 reclaimed water, agricultural or industrial process water or biosolids, or the
9 onsite treatment of septage prior to the land application of biosolids, for
10 agricultural, horticultural or silvicultural production, or for irrigation in
11 connection with a use allowed in an exclusive farm use zone under this
12 chapter. For the purposes of this paragraph, onsite treatment of septage prior
13 to the land application of biosolids is limited to treatment using treatment
14 facilities that are portable, temporary and transportable by truck trailer, as
15 defined in ORS 801.580, during a period of time within which land applica-
16 tion of biosolids is authorized under the license, permit or other approval.

17 “(w) A county law enforcement facility that lawfully existed on August
18 20, 2002, and is used to provide rural law enforcement services primarily in
19 rural areas, including parole and post-prison supervision, but not including
20 a correctional facility as defined under ORS 162.135.

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

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

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

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

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

1 **“(aa) A farm store, as described in section 2 of this 2026 Act.**

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

5 “(a) Commercial activities that are in conjunction with farm use, includ-
6 ing the processing of farm crops into biofuel not permitted under ORS
7 215.203 (2)(b)(K) or 215.255.

8 “(b) Operations conducted for:

9 “(A) Mining and processing of geothermal resources as defined by ORS
10 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted
11 under subsection (1)(f) of this section;

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

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

16 “(D) Processing of other mineral resources and other subsurface re-
17 sources.

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

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

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

13 “(f) Golf courses on land:

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

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

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

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

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

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

27 “(h) Personal-use airports for airplanes and helicopter pads, including
28 associated hangar, maintenance and service facilities. A personal-use airport,
29 as used in this section, means an airstrip restricted, except for aircraft
30 emergencies, to use by the owner, and, on an infrequent and occasional basis,

1 by invited guests, and by commercial aviation activities in connection with
2 agricultural operations. No aircraft may be based on a personal-use airport
3 other than those owned or controlled by the owner of the airstrip. Exceptions
4 to the activities permitted under this definition may be granted through
5 waiver action by the Oregon Department of Aviation in specific instances.
6 A personal-use airport lawfully existing as of September 13, 1975, shall con-
7 tinue to be permitted subject to any applicable rules of the Oregon Depart-
8 ment of Aviation.

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

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

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

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

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

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

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

7 “(B) Dog training classes or testing trials that cannot be established un-
8 der subsection (1)(x) of this section.

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

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

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

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

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

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

1 resort.

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

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

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

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

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

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

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

27 “(z) A landscape contracting business, as defined in ORS 671.520, or a
28 business providing landscape architecture services, as described in ORS
29 671.318, if the business is pursued in conjunction with the growing and
30 marketing of nursery stock on the land that constitutes farm use.

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

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

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

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

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

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

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

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

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

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

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

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

29 “(4) The following agri-tourism and other commercial events or activities
30 that are related to and supportive of agriculture may be established in any

1 area zoned for exclusive farm use:

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

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

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

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

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

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

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

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

23 “(i) Planned hours of operation;

24 “(ii) Access, egress and parking;

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

27 “(iv) Sanitation and solid waste.

28 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a
29 county may authorize, through an expedited, single-event license, a single
30 agri-tourism or other commercial event or activity on a tract in a calendar

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

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

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

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

12 “(D) May not include the artificial amplification of music or voices before
13 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

30 “(C) May not require that a new permanent structure be built, used or

1 occupied in connection with the agri-tourism or other commercial events or
2 activities;

3 “(D) Must comply with ORS 215.296;

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

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

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

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

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

17 “(iv) Traffic management, including the projected number of vehicles and
18 any anticipated use 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
21 authorize agri-tourism or other commercial events or activities that occur
22 more frequently or for a longer period or that do not otherwise comply with
23 paragraphs (a) to (c) of this subsection if the agri-tourism or other commercial events or activities comply with any local standards that apply and the
24 agri-tourism or other commercial events or activities;
25

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

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

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

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

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

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

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

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

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

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

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

1 and activities.

2 **“SECTION 5.** ORS 475A.570 is amended to read:

3 *“475A.570. [Psilocybin-producing fungi as crop; exceptions to permitted*
4 *uses.]* (1) Psilocybin-producing fungi is:

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

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

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

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

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

12 “(a) A new dwelling used in conjunction with a psilocybin-producing fungi
13 crop;

14 “(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used
15 in conjunction with a psilocybin-producing fungi crop; *[and]*

16 **“(c) A farm store, as described in section 2 of this 2026 Act, used in**
17 **conjunction with a psilocybin-producing fungi crop; and**

18 “[*(c)*] (d) Subject to subsection (3) of this section, a commercial activity,
19 as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in conjunction
20 with a psilocybin-producing fungi crop.

21 “(3) The operation of a psilocybin service center may be carried on in
22 conjunction with a psilocybin-producing fungi crop.

23 “(4) A county may allow the manufacture of psilocybin products as a farm
24 use on land zoned for farm or forest use in the same manner as the manu-
25 facture of psilocybin products is allowed in exclusive farm use zones under
26 this section and ORS 215.213, 215.283 and 475C.053.

27 “(5) This section applies to psilocybin product manufacturers that hold a
28 license under ORS 475A.290.

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

30 *“475C.489. (1) Marijuana is:*

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

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

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

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

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

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

9 “(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used
10 in conjunction with a marijuana crop; *[and]*

11 **“(c) A farm store, as described in section 2 of this 2026 Act, used in**
12 **conjunction with a marijuana crop; and**

13 “[*(c)*] **(d)** A commercial activity, as described in ORS 215.213 (2)(c) or
14 215.283 (2)(a), carried on in conjunction with a marijuana crop.

15 “(3) A county may allow the production of marijuana as a farm use on
16 land zoned for farm or forest use in the same manner as the production of
17 marijuana is allowed in exclusive farm use zones under this section and ORS
18 215.213, 215.283 and 475C.053.

19 “(4) This section applies to:

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

21 “(b) Persons registered under ORS 475C.792 and designated to produce
22 marijuana by one or more persons who hold valid registry identification
23 cards issued under ORS 475C.783; and

24 “(c) For the purpose of producing marijuana or propagating immature
25 marijuana plants, researchers of cannabis that hold a certificate issued under
26 ORS 475C.289.”.