

HB 2516-2
(LC 2499)
3/17/23 (SCT/ps)

Requested by Representative LIVELY

**PROPOSED AMENDMENTS TO
HOUSE BILL 2516**

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,
3 475C.449, 475C.489, 475C.513 and 475C.674; and prescribing an effective
4 date.”.

5 Delete lines 5 through 29 and delete pages 2 through 6 and insert:

6 **“SECTION 1. Section 2 of this 2023 Act is added to and made a part
7 of ORS 215.203 to 215.311.**

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

9 **“(a) ‘Cannabis tourism center’ means an entity established under
10 this section at a premises licensed under ORS 475C.065 or 475C.085.**

11 **“(b) ‘Marijuana’ has the meaning given that term in ORS 475C.009.**

12 **“(c) ‘Marijuana producer’ means a marijuana producer that holds
13 a license issued under ORS 475C.065.**

14 **“(d) ‘Usable marijuana’ has the meaning given that term in ORS
15 475C.009.**

16 **“(2) A marijuana producer, at a premises licensed under ORS
17 475C.065 and where marijuana is produced outdoors, or both indoors
18 and outdoors, may operate a cannabis tourism center as a conditional
19 use on land zoned for exclusive farm use under ORS 215.213 (1)(cc) and
20 215.283 (1)(aa) or on land zoned for other purposes, subject to any ap-
21 proval required by the local government with land use jurisdiction**

1 over the site of the cannabis tourism center. The following activities
2 may be conducted at a cannabis tourism center:

3 “(a) Tours of the licensed premises, including of any greenhouses
4 or other facilities used for marijuana production;

5 “(b) Subject to subsection (4) of this section, providing samples of
6 usable marijuana directly to patrons if:

7 “(A) The total amount provided does not exceed 3.5 grams of usable
8 marijuana per patron per day; and

9 “(B) The usable marijuana provided directly to patrons is produced
10 by the marijuana producer;

11 “(c) Educational activities directly related to marijuana production;
12 and

13 “(d) The marketing and sale of items related to the promotion of
14 marijuana produced by the marijuana producer or marijuana items
15 processed using marijuana produced by the marijuana producer.

16 “(3) A marijuana producer shall, prior to allowing a patron to enter
17 the licensed premises, verify that the patron is at least 21 years of age.

18 “(4)(a) The marijuana producer shall track, using the system de-
19 veloped and maintained under ORS 475C.177, a usable marijuana sam-
20 ple offered under subsection (2) of this section.

21 “(b) A patron may consume a usable marijuana sample offered un-
22 der subsection (2) of this section at the cannabis tourism center pro-
23 vided that the consumption does not violate ORS 433.835 to 433.875.

24 “(5) A cannabis tourism center operating under this section shall
25 provide parking for all activities or uses of the lot, parcel or tract on
26 which the cannabis tourism center is established.

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

30 “(a) Local criteria regarding floodplains, geologic hazards, the

1 **Willamette River Greenway, solar access and airport safety;**

2 **“(b) Regulations of general applicability for the public health and**
3 **safety; and**

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

7 **“(7)(a) For the purpose of limiting demonstrated conflicts with ac-**
8 **cepted farm and forest practices on adjacent lands, a local government**
9 **with land use jurisdiction over the site of a cannabis tourism center**
10 **shall:**

11 **“(A) Except as provided in paragraph (b) of this subsection, estab-**
12 **lish a setback of at least 20 feet from all property lines for the**
13 **cannabis tourism center and all public gathering places; and**

14 **“(B) Require cannabis tourism centers to provide direct road access**
15 **and internal circulation for the cannabis tourism center and all public**
16 **gathering places.**

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

20 **“(8) A local government with land use jurisdiction over the site of**
21 **a cannabis tourism center may, pursuant to ORS 475C.449, adopt or-**
22 **dinances that impose reasonable regulations, as defined in ORS**
23 **475C.449, on the operation of a cannabis tourism center, including but**
24 **not limited to reasonable regulations on the hours during which a**
25 **cannabis tourism center may offer tours.**

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

27 **“215.213. (1) In counties that have adopted marginal lands provisions un-**
28 **der ORS 197.247 (1991 Edition), the following uses may be established in any**
29 **area zoned for exclusive farm use:**

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

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

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

7 “(A) ORS 215.275; or

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

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

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

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

30 “(g) Operations for the exploration for and production of geothermal re-

1 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,
2 including the placement and operation of compressors, separators and other
3 customary production equipment for an individual well adjacent to the
4 wellhead. Any activities or construction relating to such operations shall not
5 be a basis for an exception under ORS 197.732 (2)(a) or (b).

6 “(h) Operations for the exploration for minerals as defined by ORS
7 517.750. Any activities or construction relating to such operations shall not
8 be a basis for an exception under ORS 197.732 (2)(a) or (b).

9 “(i) One manufactured dwelling or recreational vehicle, or the temporary
10 residential use of an existing building, in conjunction with an existing
11 dwelling as a temporary use for the term of a hardship suffered by the ex-
12 isting resident or a relative of the resident. Within three months of the end
13 of the hardship, the manufactured dwelling or recreational vehicle shall be
14 removed or demolished or, in the case of an existing building, the building
15 shall be removed, demolished or returned to an allowed nonresidential use.
16 The governing body or its designee shall provide for periodic review of the
17 hardship claimed under this paragraph. A temporary residence approved un-
18 der this paragraph is not eligible for replacement under paragraph (q) of this
19 subsection.

20 “(j) Climbing and passing lanes within the right of way existing as of July
21 1, 1987.

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

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

29 “(m) Minor betterment of existing public road and highway related facil-
30 ities, such as maintenance yards, weigh stations and rest areas, within right

1 of way existing as of July 1, 1987, and contiguous public-owned property
2 utilized to support the operation and maintenance of public roads and high-
3 ways.

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

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

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

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

11 “(r) Farm stands if:

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

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

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

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

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

10 "(u) A facility for the processing of farm products as described in ORS
11 215.255.

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

13 "(w) Irrigation reservoirs, canals, delivery lines and those structures and
14 accessory operational facilities, not including parks or other recreational
15 structures and facilities, associated with a district as defined in ORS 540.505.

16 "(x) Utility facility service lines. Utility facility service lines are utility
17 lines and accessory facilities or structures that end at the point where the
18 utility service is received by the customer and that are located on one or
19 more of the following:

20 "(A) A public right of way;

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

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

24 "(y) Subject to the issuance of a license, permit or other approval by the
25 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
26 468B.053 or 468B.055, or in compliance with rules adopted under ORS
27 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
28 reclaimed water, agricultural or industrial process water or biosolids, or the
29 onsite treatment of septage prior to the land application of biosolids, for
30 agricultural, horticultural or silvicultural production, or for irrigation in

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

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

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

12 “(B) The number of dogs participating in a testing trial does not exceed
13 60 and the number of testing trials to be conducted on-site is limited to four
14 or fewer trials per calendar year.

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

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

17 “(cc) **A cannabis tourism center, as described in section 2 of this**
18 **2023 Act.**

19 “(2) In counties that have adopted marginal lands provisions under ORS
20 197.247 (1991 Edition), the following uses may be established in any area
21 zoned for exclusive farm use subject to ORS 215.296:

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

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

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

29 “(b) A primary dwelling in conjunction with farm use or the propagation
30 or harvesting of a forest product on a lot or parcel that is managed as part

1 of a farm operation or woodlot smaller than required under paragraph (a)
2 of this subsection, if the lot or parcel:

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

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

10 “(c) Commercial activities that are in conjunction with farm use, includ-
11 ing the processing of farm crops into biofuel not permitted under ORS
12 215.203 (2)(b)(K) or 215.255.

13 “(d) Operations conducted for:

14 “(A) Mining and processing of geothermal resources as defined by ORS
15 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted
16 under subsection (1)(g) of this section;

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

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

21 “(D) Processing of other mineral resources and other subsurface re-
22 sources.

23 “(e) Community centers owned by a governmental agency or a nonprofit
24 community organization and operated primarily by and for residents of the
25 local rural community, hunting and fishing preserves, public and private
26 parks, playgrounds and campgrounds. Subject to the approval of the county
27 governing body or its designee, a private campground may provide yurts for
28 overnight camping. No more than one-third or a maximum of 10 campsites,
29 whichever is smaller, may include a yurt. The yurt shall be located on the
30 ground or on a wood floor with no permanent foundation. Upon request of

1 a county governing body, the Land Conservation and Development Commis-
2 sion may provide by rule for an increase in the number of yurts allowed on
3 all or a portion of the campgrounds in a county if the commission determines
4 that the increase will comply with the standards described in ORS 215.296
5 (1). A public park or campground may be established as provided under ORS
6 195.120. As used in this paragraph, ‘yurt’ means a round, domed shelter of
7 cloth or canvas on a collapsible frame with no plumbing, sewage disposal
8 hookup or internal cooking appliance.

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

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

17 “(h) Personal-use airports for airplanes and helicopter pads, including
18 associated hangar, maintenance and service facilities. A personal-use airport
19 as used in this section means an airstrip restricted, except for aircraft
20 emergencies, to use by the owner, and, on an infrequent and occasional basis,
21 by invited guests, and by commercial aviation activities in connection with
22 agricultural operations. No aircraft may be based on a personal-use airport
23 other than those owned or controlled by the owner of the airstrip. Exceptions
24 to the activities permitted under this definition may be granted through
25 waiver action by the Oregon Department of Aviation in specific instances.
26 A personal-use airport lawfully existing as of September 13, 1975, shall con-
27 tinue to be permitted subject to any applicable rules of the Oregon Depart-
28 ment of Aviation.

29 “(i) A facility for the primary processing of forest products, provided that
30 such facility is found to not seriously interfere with accepted farming prac-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 “(w) An aerial fireworks display business that has been in continuous

1 operation at its current location within an exclusive farm use zone since
2 December 31, 1986, and possesses a wholesaler's permit to sell or provide
3 fireworks.

4 “(x) A landscape contracting business, as defined in ORS 671.520, or a
5 business providing landscape architecture services, as described in ORS
6 671.318, if the business is pursued in conjunction with the growing and
7 marketing of nursery stock on the land that constitutes farm use.

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

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

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

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

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

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

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

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

25 “(3) In counties that have adopted marginal lands provisions under ORS
26 197.247 (1991 Edition), a single-family residential dwelling not provided in
27 conjunction with farm use may be established on a lot or parcel with soils
28 predominantly in capability classes IV through VIII as determined by the
29 Agricultural Capability Classification System in use by the United States
30 Department of Agriculture Soil Conservation Service on October 15, 1983. A

1 proposed dwelling is subject to approval of the governing body or its
2 designee in any area zoned for exclusive farm use upon written findings
3 showing all of the following:

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

7 “(b) The dwelling is situated upon generally unsuitable land for the pro-
8 duction of farm crops and livestock, considering the terrain, adverse soil or
9 land conditions, drainage and flooding, location and size of the tract. A lot
10 or parcel shall not be considered unsuitable solely because of its size or lo-
11 cation 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
13 designee considers necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 “(E) The agri-tourism or other commercial event or activity complies with

1 ORS 215.296;

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

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

7 “(i) Planned hours of operation;

8 “(ii) Access, egress and parking;

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

11 “(iv) Sanitation and solid waste.

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

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

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

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

26 “(D) May not include the artificial amplification of music or voices before
27 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

17 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

3 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

27 “(a) A county may authorize the use of temporary structures established
28 in connection with the agri-tourism or other commercial events or activities
29 authorized under subsection (11) of this section. However, the temporary
30 structures must be removed at the end of the agri-tourism or other event or

1 activity. The county may not approve an alteration to the land in connection
2 with an agri-tourism or other commercial event or activity authorized under
3 subsection (11) of this section, including, but not limited to, grading, filling
4 or paving.

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

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

16 **“SECTION 4.** ORS 215.283 is amended to read:

17 “215.283. (1) The following uses may be established in any area zoned for
18 exclusive farm use:

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

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

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

26 “(A) ORS 215.275; or

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

29 “(d) A dwelling on real property used for farm use if the dwelling is oc-
30 cupied by a relative of the farm operator or the farm operator’s spouse,

1 which means a child, parent, stepparent, grandchild, grandparent,
2 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,
3 if the farm operator does or will require the assistance of the relative in the
4 management of the farm use and the dwelling is located on the same lot or
5 parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to
6 92.192 or the minimum lot or parcel size requirements under ORS 215.780, if
7 the owner of a dwelling described in this paragraph obtains construction fi-
8 nancing or other financing secured by the dwelling and the secured party
9 forecloses on the dwelling, the secured party may also foreclose on the
10 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as
11 a partition of the homesite to create a new parcel.

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

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

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

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

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

30 “(j) Temporary public road and highway detours that will be abandoned

1 and restored to original condition or use at such time as no longer needed.

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

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

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

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

12 “(o) Farm stands if:

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

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

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

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

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

10 "(r) A facility for the processing of farm products as described in ORS
11 215.255.

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

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

16 "(u) Utility facility service lines. Utility facility service lines are utility
17 lines and accessory facilities or structures that end at the point where the
18 utility service is received by the customer and that are located on one or
19 more of the following:

20 "(A) A public right of way;

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

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

24 "(v) Subject to the issuance of a license, permit or other approval by the
25 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
26 468B.053 or 468B.055, or in compliance with rules adopted under ORS
27 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
28 reclaimed water, agricultural or industrial process water or biosolids, or the
29 onsite treatment of septage prior to the land application of biosolids, for
30 agricultural, horticultural or silvicultural production, or for irrigation in

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

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

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

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

16 “(B) The number of dogs participating in a testing trial does not exceed
17 60 and the number of testing trials to be conducted on-site is limited to four
18 or fewer trials per calendar year.

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

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

21 “(aa) **A cannabis tourism center, as described in section 2 of this**
22 **2023 Act.**

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

26 “(a) Commercial activities that are in conjunction with farm use, includ-
27 ing the processing of farm crops into biofuel not permitted under ORS
28 215.203 (2)(b)(K) or 215.255.

29 “(b) Operations conducted for:

30 “(A) Mining and processing of geothermal resources as defined by ORS

1 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted
2 under subsection (1)(f) of this section;

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

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

7 “(D) Processing of other mineral resources and other subsurface re-
8 sources.

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

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

24 “(e) Community centers owned by a governmental agency or a nonprofit
25 community organization and operated primarily by and for residents of the
26 local rural community. A community center authorized under this paragraph
27 may provide services to veterans, including but not limited to emergency and
28 transitional shelter, preparation and service of meals, vocational and educa-
29 tional counseling and referral to local, state or federal agencies providing
30 medical, mental health, disability income replacement and substance abuse

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

4 “(f) Golf courses on land:

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

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

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

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

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

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

18 “(h) Personal-use airports for airplanes and helicopter pads, including
19 associated hangar, maintenance and service facilities. A personal-use airport,
20 as used in this section, means an airstrip restricted, except for aircraft
21 emergencies, to use by the owner, and, on an infrequent and occasional basis,
22 by invited guests, and by commercial aviation activities in connection with
23 agricultural operations. No aircraft may be based on a personal-use airport
24 other than those owned or controlled by the owner of the airstrip. Exceptions
25 to the activities permitted under this definition may be granted through
26 waiver action by the Oregon Department of Aviation in specific instances.
27 A personal-use airport lawfully existing as of September 13, 1975, shall con-
28 tinue to be permitted subject to any applicable rules of the Oregon Depart-
29 ment of Aviation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 “(x) A living history museum related to resource based activities owned
30 and operated by a governmental agency or a local historical society, together

1 with limited commercial activities and facilities that are directly related to
2 the use and enjoyment of the museum and located within authentic buildings
3 of the depicted historic period or the museum administration building, if
4 areas other than an exclusive farm use zone cannot accommodate the mu-
5 seum and related activities or if the museum administration buildings and
6 parking lot are located within one quarter mile of an urban growth bound-
7 ary. As used in this paragraph:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 “(B) The duration of the agri-tourism or other commercial event or ac-

1 tivity does not exceed 72 consecutive hours;

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

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

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

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

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

14 “(i) Planned hours of operation;

15 “(ii) Access, egress and parking;

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

18 “(iv) Sanitation and solid waste.

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

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

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

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

3 “(D) May not include the artificial amplification of music or voices before
4 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

24 “(D) Must comply with ORS 215.296;

25 “(E) May not, in combination with other agri-tourism or other commercial
26 events or activities authorized in the area, materially alter the stability of
27 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
30 that are authorized during each calendar year, including the number and

1 duration of the agri-tourism or other commercial events and activities, the
2 anticipated daily attendance and the hours of operation;

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

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

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

10 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

30 “(b) Limit its review to events and activities authorized by the permit,

1 conformance with conditions of approval required by the permit and the
2 standards established by subsection (4)(d) of this section.

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

4 “(a) A county may authorize the use of temporary structures established
5 in connection with the agri-tourism or other commercial events or activities
6 authorized under subsection (4) of this section. However, the temporary
7 structures must be removed at the end of the agri-tourism or other event or
8 activity. The county may not approve an alteration to the land in connection
9 with an agri-tourism or other commercial event or activity authorized under
10 subsection (4) of this section, including, but not limited to, grading, filling
11 or paving.

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

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

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

24 “475C.177. (1) The Oregon Liquor and Cannabis Commission shall develop
25 and maintain a system for tracking the transfer of marijuana items between
26 premises for which licenses have been issued under ORS 475C.005 to
27 475C.525.

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

30 “(a) Preventing the diversion of marijuana items to criminal enterprises,

1 gangs, cartels and other states;

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

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

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

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

10 “(3) The system developed and maintained under this section must be ca-
11 pable of tracking, at a minimum:

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

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

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

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

18 “(e) The sale and purchase of marijuana items between licensees, as per-
19 mitted by ORS 475C.005 to 475C.525;

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

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

24 “(h) Any other information that the commission determines is reasonably
25 necessary to accomplish the duties, functions and powers of the commission
26 under ORS 475C.005 to 475C.525.

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

28 “475C.489. (1) Marijuana is:

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

30 “(b) A crop for purposes of a ‘farm’ and ‘farming practice,’ both as defined

1 in ORS 30.930;

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

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

4 “(2) Notwithstanding ORS chapters 195, 196, 197, 215 and 227, the follow-
5 ing are not permitted uses on land designated for exclusive farm use:

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

7 “(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used
8 in conjunction with a marijuana crop; and

9 “(c) **Except for a cannabis tourism center described in section 2 of**
10 **this 2023 Act**, a commercial activity, as described in ORS 215.213 (2)(c) or
11 215.283 (2)(a), carried on in conjunction with a marijuana crop.

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

16 “(4) This section applies to:

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

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

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

24 **“SECTION 7. Sections 8 and 9 of this 2023 Act are added to and**
25 **made a part of ORS 475C.005 to 475C.525.**

26 **“SECTION 8. All agencies of state government, as defined in ORS**
27 **174.111, shall provide the same services to businesses licensed or reg-**
28 **istered under ORS 475C.005 to 475C.525, 475C.548, 475C.770 to 475C.919**
29 **or 571.260 to 571.348 as to all other businesses.**

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

1 “(a) A marijuana producer that holds a license issued under ORS
2 475C.065 and a marijuana processor that holds a license issued under
3 ORS 475C.085 may:

4 “(A) Transfer marijuana items to a marijuana retailer that holds a
5 license issued under ORS 475C.097; and

6 “(B) Provide to a licensee or holder of a permit issued under ORS
7 475C.273 samples of marijuana items.

8 “(b) A marijuana wholesaler that holds a license issued under ORS
9 475C.093 may:

10 “(A) Sell at wholesale or transfer marijuana items to a marijuana
11 retailer that holds a license issued under ORS 475C.097; and

12 “(B) Provide to a licensee or holder of a permit issued under ORS
13 475C.273 samples of marijuana items.

14 “(c) A marijuana retailer that holds a license issued under ORS
15 475C.097 may receive from a marijuana producer that holds a license
16 issued under ORS 475C.065, a marijuana processor that holds a license
17 issued under ORS 475C.085 or a marijuana wholesaler that holds a li-
18 cense issued under ORS 475C.093 marijuana items sold or transferred
19 as described in this subsection.

20 “(d) A licensee or holder of a permit issued under ORS 475C.273 may
21 receive from a marijuana producer that holds a license issued under
22 ORS 475C.065, a marijuana processor that holds a license issued under
23 ORS 475C.085 or a marijuana wholesaler that holds a license issued
24 under ORS 475C.093 samples of marijuana items provided as described
25 in this subsection.

26 “(2) The Oregon Liquor and Cannabis Commission may adopt rules
27 to carry out this section.

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

29 “475C.117. (1) A marijuana retailer that holds a license issued under ORS
30 475C.097 may make deliveries to a consumer pursuant to the consumer’s bona

1 bona fide order received by the marijuana retailer. The delivery of marijuana
2 items under this section may be made to a consumer:

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

5 “(b) In a city or the unincorporated area of a county that is adjacent to
6 the city or unincorporated area of the county in which the marijuana retailer
7 is located, provided the adjacent city or county has adopted an ordinance
8 allowing for the delivery of marijuana items by a marijuana retailer located
9 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 Commis-
13 sion information on each vehicle used to make deliveries of marijuana items
14 under this section, including the make, model, year, color, vehicle identifi-
15 cation number and registration plate number.

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

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

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

22 “(a) Shall:

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

25 “(B) Have a method of secure electronic communication in order to com-
26 municate with the marijuana retailer for which the individual is making
27 deliveries.

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

30 “(D) Present to the consumer a printed or electronic delivery manifest and

1 obtain on the manifest the consumer's written or electronic signature veri-
2 fying completion of the delivery of marijuana items.

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

7 “(b) May not:

8 “(A) Leave a delivery vehicle that contains marijuana items unattended
9 unless the delivery vehicle is locked and equipped with an active vehicle
10 alarm system.

11 “(B) Carry more than \$10,000 worth of marijuana items in a delivery ve-
12 hicle at any one time.

13 “(C) Consume, or be under the influence of, marijuana while making de-
14 liveries under this section.

15 “(4) A delivery vehicle must:

16 “(a) While being used for making deliveries, be equipped with an active
17 global positioning system device that tracks the location of the delivery ve-
18 hicle and enables the marijuana retailer for which the deliveries are being
19 made to identify the location of the delivery vehicle.

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

23 “(c) Be free of any markings that may indicate that the delivery vehicle
24 is used for the purpose of delivering marijuana items.

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

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

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

2 “475C.205. (1) Except as provided in ORS 475C.137 and 475C.850 **and**
3 **sections 2 and 9 of this 2023 Act** and rules adopted pursuant to ORS
4 475C.065, a marijuana producer that holds a license issued under ORS
5 475C.065, marijuana processor that holds a license issued under ORS 475C.085
6 or marijuana wholesaler that holds a license issued under ORS 475C.093 may
7 deliver marijuana items only to or on a premises for which a license has been
8 issued under ORS 475C.065, 475C.085, 475C.093 or 475C.097, or to a registry
9 identification cardholder or designated primary caregiver as allowed under
10 ORS 475C.005 to 475C.525.

11 “(2) A licensee to which marijuana items may be delivered under sub-
12 section (1) of this section may receive marijuana items only from:

13 “(a) A marijuana producer that holds a license issued under ORS
14 475C.065, marijuana processor that holds a license issued under ORS
15 475C.085, marijuana wholesaler that holds a license issued under ORS
16 475C.093, marijuana retailer that holds a license issued under ORS 475C.097
17 or a laboratory licensed under ORS 475C.548;

18 “(b) A researcher of cannabis that holds a certificate issued under ORS
19 475C.289 and that transfers limited amounts of marijuana, usable marijuana,
20 cannabinoid products, cannabinoid concentrates and cannabinoid extracts in
21 accordance with procedures adopted under ORS 475C.289 (3)(d) and (e);

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

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

30 “(3) Except as provided in ORS 475C.117, the sale of marijuana items by

1 a marijuana retailer that holds a license issued under ORS 475C.097 must
2 be restricted to the premises for which the license has been issued.

3 “(4) The commission may by order waive the requirements of subsections
4 (1) and (2) of this section to ensure compliance with ORS 475C.005 to
5 475C.525 or a rule adopted under ORS 475C.005 to 475C.525. An order issued
6 under this subsection does not constitute a waiver of any other requirement
7 of ORS 475C.005 to 475C.525 or any other rule adopted under ORS 475C.005
8 to 475C.525.

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

10 “475C.449. (1) For purposes of this section, ‘reasonable regulations’ in-
11 cludes:

12 “(a)(A) Reasonable conditions on the manner in which a marijuana pro-
13 ducer that holds a license issued under ORS 475C.065 may produce marijuana
14 or in which a researcher of cannabis that holds a certificate issued under
15 ORS 475C.289 may produce marijuana or propagate immature marijuana
16 plants; **and**

17 **“(B) Reasonable conditions on the manner in which a marijuana**
18 **producer that holds a license issued under ORS 475C.065 and that op-**
19 **erates a cannabis tourism center, as described in section 2 of this 2023**
20 **Act, at the licensed premises may operate;**

21 “(b) Reasonable conditions on the manner in which a marijuana processor
22 that holds a license issued under ORS 475C.085 may process marijuana or in
23 which a researcher of cannabis that holds a certificate issued under ORS
24 475C.289 may process marijuana;

25 “(c) Reasonable conditions on the manner in which a marijuana whole-
26 saler that holds a license issued under ORS 475C.093 may sell marijuana at
27 wholesale;

28 “(d) Reasonable conditions on the manner in which a marijuana retailer
29 that holds a license issued under ORS 475C.097 may sell marijuana items;

30 “(e) Reasonable limitations on the hours during which a premises for

1 which a license has been issued under ORS 475C.005 to 475C.525 may operate;

2 “(f) Reasonable requirements related to the public’s access to a premises
3 for which a license or certificate has been issued under ORS 475C.005 to
4 475C.525; and

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

7 “(2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing
8 body of a city or county may adopt ordinances that impose reasonable regu-
9 lations on the operation of businesses located at premises for which a license
10 or certificate has been issued under ORS 475C.005 to 475C.525 if the premises
11 are located in the area subject to the jurisdiction of the city or county, ex-
12 cept that the governing body of a city or county may not:

13 “(a) Adopt an ordinance that prohibits a premises for which a license has
14 been issued under ORS 475C.097 from being located within a distance that
15 is greater than 1,000 feet of another premises for which a license has been
16 issued under ORS 475C.097.

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

20 “(A) Was constructed on or before July 1, 2015, in compliance with all
21 applicable land use and building code requirements at the time of con-
22 struction;

23 “(B) Is located at an address where a marijuana grow site first registered
24 with the Oregon Health Authority under ORS 475C.792 on or before January
25 1, 2015;

26 “(C) Was used to produce marijuana pursuant to the provisions of ORS
27 475C.770 to 475C.919 on or before January 1, 2015; and

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

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

30 “475C.513. (1) Notwithstanding ORS 475C.205 or any other provision pro-

1 hibiting the transportation of marijuana items to or from a location for
2 which a license has not been issued under ORS 475C.005 to 475C.525 or pro-
3 hibiting the possession of marijuana items at a location for which a license
4 has not been issued under ORS 475C.005 to 475C.525, a licensee may trans-
5 port marijuana items to and exhibit marijuana items at a trade show, the
6 Oregon State Fair or a similar event if:

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

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

13 “(c) The licensee complies with any other requirement imposed by the
14 Oregon Liquor and Cannabis Commission by rule or order for the purpose
15 of ensuring the security of the marijuana items, for the purpose of preventing
16 minors from having access to the marijuana items or for any other purpose
17 deemed relevant by the commission.

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

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

20 “475C.674. (1) A tax is hereby imposed upon the retail sale of marijuana
21 items in this state. The tax imposed by this section is a direct tax on the
22 consumer, for which payment upon retail sale is required. The tax shall be
23 collected at the point of sale of a marijuana item by a marijuana retailer at
24 the time at which the retail sale occurs.

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

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

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

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

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

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

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

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

6 “(3) If the tax imposed under this section does not equal an amount cal-
7 culable to a whole cent, the tax shall be equal to the next higher whole cent.

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

12 “(5) A person may not knowingly sell, purchase, install, transfer or pos-
13 sess electronic devices or software programs for the purposes of:

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

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

16 “(6)(a) A marijuana retailer may not [*discount a marijuana item or offer*
17 *a marijuana item for free if the retail sale of the marijuana item is made in*
18 *conjunction with the retail sale of any other item*] **offer for free or a dis-**
19 **count a marijuana item if the offer is contingent on the simultaneous**
20 **retail sale of an item that is not a marijuana item.**

21 “(b) Paragraph (a) of this subsection does not affect any provision of ORS
22 475C.005 to 475C.525 or any rule adopted by the Oregon Liquor and Cannabis
23 Commission pursuant to ORS 475C.005 to 475C.525 that is related to the re-
24 tail sale of marijuana items.

25 **“SECTION 15. (1) Sections 2, 8 and 9 of this 2023 Act and the**
26 **amendments to ORS 215.213, 215.283, 475C.117, 475C.177, 475C.205,**
27 **475C.449, 475C.489, 475C.513 and 475C.674 by sections 3 to 6 and 10 to 14**
28 **of this 2023 Act become operative on January 1, 2024.**

29 **“(2) The Department of Land Conservation and Development and**
30 **the Oregon Liquor and Cannabis Commission may take any action**

1 before the operative date specified in subsection (1) of this section
2 necessary to enable the commission and the department to exercise,
3 on and after the operative date specified in subsection (1) of this sec-
4 tion, all of the duties, functions and powers conferred on the com-
5 mission and the department by sections 2, 8 and 9 of this 2023 Act and
6 the amendments to ORS 215.213, 215.283, 475C.117, 475C.177, 475C.205,
7 475C.449, 475C.489, 475C.513 and 475C.674 by sections 3 to 6 and 10 to 14
8 of this 2023 Act.

9 **“SECTION 16. This 2023 Act takes effect on the 91st day after the**
10 **date on which the 2023 regular session of the Eighty-second Legislative**
11 **Assembly adjourns sine die.”.**

12
