

House Bill 3133

Sponsored by Representative BREESE-IVERSON, Senator STARR, Representative ELMER (Pre-session filed.)

SUMMARY

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

Digest: This Act amends rules for farm stands on farm lands. (Flesch Readability Score: 100.0). Amends conditions under which a county must approve a farm stand on lands zoned for exclusive farm use.

A BILL FOR AN ACT

1
2 Relating to farm stands; creating new provisions; and amending ORS 215.213, 215.283, 475A.570 and
3 475C.489.

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

5 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS 215.203 to**
6 **215.311.**

7 **SECTION 2. (1) As used in this section, "farm crops or livestock" includes farm crops**
8 **or livestock that are:**

9 (a) **Fresh or prepared; or**

10 (b) **Processed and converted into another product.**

11 (2) **A farm stand may be approved on lands zoned for exclusive farm use under ORS**
12 **215.213 (1) or 215.283 (1) or on land zoned for mixed farm and forest use if:**

13 (a) **The farm stand's structures are designed and used primarily for the sale of farm**
14 **crops or livestock grown on, or produced from, crops and livestock from farm operation or**
15 **on a farm operation in the local agricultural area.**

16 (b) **The farm stand does not include structures designed and occupied as a residence.**

17 (3) **The farm stand's structures may additionally be designed and used for:**

18 (a) **The sale of retail items;**

19 (b) **Fee-based activities that promote the farm operation or promote the sale of farm**
20 **crops or livestock at the farm stand; or**

21 (c) **Cooked or prepared food items and beverages served for on-site consumption that**
22 **prominently feature and advertise farm crops or livestock sold at the farm stand or grown**
23 **or produced by the farm operation.**

24 (4) **The farm stand activities allowed under subsection (2) or (3) of this section may occur**
25 **inside or outside a structure.**

26 (5) **The farm stand may not conduct fee-based activities under subsection (3)(b) of this**
27 **section unless:**

28 (a) **The applicant demonstrates that farm use or the processing of farm crops or live-**
29 **stock will remain the primary use of the subject parcel, based on the total acreage used by**
30 **the fee-based activities and the calendar days during which the fee-based activities are con-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 ducted; and

2 (b) The applicant submits a parking and traffic management plan that shows how the
 3 farm operator will minimize any adverse impacts from fee-based activities to adjacent
 4 farming operations.

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

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

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

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

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

14 (A) ORS 215.275; or

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

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

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

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

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

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

40 (i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an
 41 existing building, in conjunction with an existing dwelling as a temporary use for the term of a
 42 hardship suffered by the existing resident or a relative of the resident. Within three months of the
 43 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-
 44 ished or, in the case of an existing building, the building shall be removed, demolished or returned
 45 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-

1 view of the hardship claimed under this paragraph. A temporary residence approved under this
2 paragraph is not eligible for replacement under paragraph (q) of this subsection.

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

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

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

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

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

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

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

20 (r) Farm stands, **as described in section 2 of this 2025 Act.** *[if:]*

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

26 *[(B) The farm stand does not include structures designed for occupancy as a residence or for ac-*
27 *tivity other than the sale of farm crops or livestock and does not include structures for banquets, public*
28 *gatherings or public entertainment.]*

29 (s) An armed forces reserve center, if the center is within one-half mile of a community college.
30 For purposes of this paragraph, “armed forces reserve center” includes an armory or National
31 Guard support facility.

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

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

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

45 (w) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational

1 facilities, not including parks or other recreational structures and facilities, associated with a dis-
2 trict as defined in ORS 540.505.

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

6 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

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

38 (b) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest
39 product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than re-
40 quired under paragraph (a) of this subsection, if the lot or parcel:

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

45 (B) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross an-

1 nual income.

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

4 (d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (x) A landscape contracting business, as defined in ORS 671.520, or a business providing land-
 45 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction

1 with the growing and marketing of nursery stock on the land that constitutes farm use.

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

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

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

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

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

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

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

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

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

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

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

29 (c) Complies with such other conditions as the governing body or its designee considers neces-
30 sary.

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

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

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

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

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

45 (a) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be es-

1 tablished; and

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

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

13 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
14 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (C) The maximum attendance at the agri-tourism or other commercial event or activity does not

1 exceed 500 people;

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

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

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

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

10 (i) Planned hours of operation;

11 (ii) Access, egress and parking;

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

14 (iv) Sanitation and solid waste.

15 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
16 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
17 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
18 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
19 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
20 To approve an expedited, single-event license, the governing body of a county or its designee must
21 determine that the proposed agri-tourism or other commercial event or activity meets any local
22 standards that apply, and the agri-tourism or other commercial event 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 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

41 (D) Must comply with ORS 215.296;

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

44 (F) Must comply with conditions established for:

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

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

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

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

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

9 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (A) ORS 215.275; or

9 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
 10 469.300.

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

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

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

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

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

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

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

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

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

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

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

1 (o) Farm stands, as described in section 2 of this 2025 Act. [if:]

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

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

10 (p) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS
11 215.291.

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

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

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

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

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

31 (A) A public right of way;

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

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

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

45 (w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to

1 provide rural law enforcement services primarily in rural areas, including parole and post-prison
2 supervision, but not including a correctional facility as defined under ORS 162.135.

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

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

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

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

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

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

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

15 (b) Operations conducted for:

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

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

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

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

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

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

34 (e) Community centers owned by a governmental agency or a nonprofit community organization
35 and operated primarily by and for residents of the local rural community. A community center au-
36 thorized under this paragraph may provide services to veterans, including but not limited to emer-
37 gency and transitional shelter, preparation and service of meals, vocational and educational
38 counseling and referral to local, state or federal agencies providing medical, mental health, disability
39 income replacement and substance abuse services, only in a facility that is in existence on January
40 1, 2006. The services may not include direct delivery of medical, mental health, disability income
41 replacement or substance abuse services.

42 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
42 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
43 shall not include any species under quarantine by the State Department of Agriculture or the United
44 States Department of Agriculture. The county shall provide notice of all applications under this
45 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the

1 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
 2 tive decision or initial public hearing on the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (i) Planned hours of operation;

33 (ii) Access, egress and parking;

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

36 (iv) Sanitation and solid waste.

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

45 (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 8 a.m. or after 8 p.m.;

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

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

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

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

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

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

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

18 (D) Must comply with ORS 215.296;

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

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

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

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

31 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

13 (b) The county may issue the limited use permits authorized by subsection (4)(c) of this section
14 for two calendar years. When considering an application for renewal, the county shall ensure com-
15 pliance with the provisions 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 commercial events or activities
17 authorized by the permit.

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

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

23 475A.570. Psilocybin-producing fungi as crop; exceptions to permitted uses. (1) Psilocybin-
24 producing fungi is:

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

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

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

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

29 (2) Notwithstanding ORS chapters 195, 196, 197, 197A, 215 and 227, the following are not per-
30 mitted uses on land designated for exclusive farm use:

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

32 (b) A farm stand, as described in [ORS 215.213 (1)(r) or 215.283 (1)(o)] **section 2 of this 2025**
33 **Act**, used in conjunction with a psilocybin-producing fungi crop; and

34 (c) Subject to subsection (3) of this section, a commercial activity, as described in ORS 215.213
35 (2)(c) or 215.283 (2)(a), carried on in conjunction with a psilocybin-producing fungi crop.

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

38 (4) A county may allow the manufacture of psilocybin products as a farm use on land zoned for
39 farm or forest use in the same manner as the manufacture of psilocybin products is allowed in ex-
40 clusive farm use zones under this section and ORS 215.213, 215.283 and 475C.053.

41 (5) This section applies to psilocybin product manufacturers that hold a license under ORS
42 475A.290.

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

44 475C.489. (1) Marijuana is:

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

1 (b) A crop for purposes of a “farm” and “farming practice,” both as defined 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, 197A, 215 and 227, the following are not per-
5 mitted 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)] **section 2 of this 2025**
8 **Act**, used in conjunction with a marijuana crop; and

9 (c) A commercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in
10 conjunction with a marijuana crop.

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

14 (4) This section applies to:

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

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

18 (c) For the purpose of producing marijuana or propagating immature marijuana plants, re-
19 searchers of cannabis that hold a certificate issued under ORS 475C.289.

20