

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

Requested by Representative BREESE-IVERSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 4153**

1 On page 1 of the printed bill, delete lines 6 through 30.
2 On page 2, delete lines 1 through 41 and insert:
3 **“SECTION 2. (1) As used in this section:**
4 **“(a)(A) ‘Agri-tourism activity’ means an activity that is conducted**
5 **by a farm operation to promote the farm operation, visitors to a farm**
6 **store and the sale of farm store products to the public and that may**
7 **also generate commercial, entertainment or educational value. Such**
8 **activities may include:**
9 **“(i) Farm tours;**
10 **“(ii) Educational exhibits or classes;**
11 **“(iii) Crop mazes;**
12 **“(iv) Play structures;**
13 **“(v) Farm-to-table meals;**
14 **“(vi) Animal petting and feeding exhibits;**
15 **“(vii) Hay or tractor rides; or**
16 **“(viii) Other seasonal or holiday events.**
17 **“(B) ‘Agri-tourism activity’ does not include providing lodging.**
18 **“(b) ‘Farm-to-table meal’ means a meal offered as part of a fee-**
19 **based dining experience, where food grown by a farm operation or**
20 **farmers in a local agricultural area is prepared and served in a manner**
21 **that educates the public about agricultural production or on-site**

1 **sourcing.**

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

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

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

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

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

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

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

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

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

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

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

30 **“(D) Less than 20 acres if:**

1 “(i) At least 10 acres are employed for farm use; or
2 “(ii) The farm store operates as part of a farm unit that has earned
3 at least \$10,000 in gross farm income cumulatively over the preceding
4 two years.

5 “(3) Farm stores may be used for:

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

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

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

13 “(d) Agri-tourism activities.

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

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

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

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

27 “(A) Access, egress and parking;

28 “(B) Traffic management;

29 “(C) Noise management;

30 “(D) Hours of event operation; or

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

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

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