COMMUNITY DEVELOPMENT

DESCHUTES COUNTY PLANNING COMMISSION

5:30 PM, THURSDAY, NOVEMBER 12, 2026
DeArmond Room - Deschutes Services Bldg - 1300 NW Wall St – Bend
(541) 388-6575|www.deschutescounty.gov

AGENDA

MEETING FORMAT

The Planning Commission will conduct this meeting in person, electronically, and by phone.

Members of the public may view the Planning Commission meeting in real time via the Public Meeting Portal at www.deschutescounty.gov/meetings.

Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link:

https://bit.ly/dcpczoom

Passcode: 644647

Using this option may require you to download the Zoom app to your device.

Members of the public can access the meeting via telephone, dial: 1-415-449-4000. When prompted, enter the following Webinar ID: 165 456 4655 and Passcode: 644647. Written comments can also be provided for the public comment section to planningcommission@deschutes.org by 5:00 p.m. on the meeting date. They will be entered into the record.

I. CALL TO ORDER

II. APPROVAL OF MINUTES - October 22nd

III. PUBLIC COMMENT

IV. ACTION ITEMS

1. Review Work Session: Duplex Definition Text Amendments (*Caroline House, Senior Planner)*

2. Deliberations: Farm Store Text Amendments (Nicole Mardell, Principal Planner)

V. PLANNING COMMISSION AND STAFF COMMENTS

VI. ADJOURN



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 617-4747.

MEMORANDUM

TO: Deschutes County Planning Commission ("Commission")

FROM: Caroline House, Senior Planner

DATE: November 5, 2026

SUBJECT: Review Work Session: Duplex Definition Text Amendments

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The Commission will conduct a work session on November 12, 2026, to review proposed amendments to the Deschutes County Code ("DCC") Title 18 definition of "duplex." The proposed amendments would revise the definition to allow a duplex to consist of two dwelling units that may be either attached or detached.

I. BACKGROUND

In 2026, the Board of County Commissioners ("Board") directed Community Development Department staff to initiate a text amendment to the County's definition of "duplex." The Board was contacted by a community member requesting that the County's definition be updated to better align with House Bill ("HB") 2138, which authorizes both attached and detached duplexes within incorporated cities.

Under the current DCC definition, a duplex consists of two dwelling units that are attached by a common wall, floor, or ceiling. The proposed amendment would revise the definition to allow two dwelling units on the same lot regardless of whether the units are attached or detached. The proposed amendment is intended to increase site-design flexibility and reduce potential barriers to housing development in zoning districts where duplexes are already permitted.

Within unincorporated Deschutes County, duplexes are permitted only in the zoning districts identified in *Table 1* below. These allowances are limited to specific unincorporated communities, rural commercial exception areas, and approved destination resorts. Although duplexes are permitted in a limited number of zoning districts, the proposed amendment would provide additional flexibility for future housing development opportunities within those areas.

Table 1 – DCC Title 18 Duplex Zoning Allowances		
18.65 Rural Service Centers	Commercial/Mixed Use District	Brothers
		Hampton
		Millican
		Whistlestop
		Wildhunt
		Alfalfa
18.66 Terrebonne Rural Community Zoning Districts	Terrebonne Residential (TeR) District	
	Terrebonne Residential 5-Acre Min. (TeR5) District	
18.67 Tumalo Rural Community Zoning Districts	Tumalo Residential (TuR) District	
	Tumalo Commercial (TuC) District	
18.74 Rural Commercial Zone (RC)	Deschutes Junction	
	Deschutes River Woods Store	
18.108 Urban Unincorporated Community Zone; Sunriver	Multiple Unit Residential (RM) District	
18.113 Destination Resort (DR) Combining Zone	Eagle Crest Resort	
	Caldera Springs Resort	
	Juniper Preserve (formerly Pronghorn)	
	Thornburgh Resort	

II. PLANNING COMMISSION REVIEW

This Commission proceeding is being conducted under DCC Chapter 22.12 as a review work session in lieu of a full Planning Commission public hearing. DCC 22.12.040 requires Commission review before Board action on Board-initiated legislative changes.

To date, no agency or public comments have been received.

III. NEXT STEPS

On November 12, 2026, the Commission will review the proposed text amendments and may provide comments and recommendations for the Board's consideration.

Following the Commission's review, the Board will conduct a public hearing on November 23, 2026, to consider adoption of the proposed amendments.

ATTACHMENTS:

A. Staff Findings
B. Draft Text Amendments – DCC 18.04.030 Definitions

Draft Amendments 09.30.2026

TITLE 18 COUNTY ZONING

CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS

18.04.030 Definitions

As used in DCC Title 18, the following words and phrases shall mean as set forth in DCC 18.04.030, or, where such words and phrases are defined in applicable Oregon Revised Statutes (ORS) and/or Oregon Administrative Rules (OAR), as defined therein. If there is any conflict between the definitions set forth in DCC 18.04.030 and the definitions of the same words and phrases in applicable ORS and/or OAR, the definitions in ORS and/or OAR shall prevail.

...

"Dwelling unit" means a building or portion thereof providing living facilities for one or more persons living together, including provisions for sleeping, cooking, and sanitation. Cooking facilities shall be limited to one kitchen and sanitation facilities shall include at least one full bath. All areas shall have an enclosed and unobstructed way of travel within the dwelling unit to all other areas within the dwelling unit. With the exclusion of bedrooms, all areas within the dwelling unit shall be shared in common.

A. “Duplex” means two attached, or detached, dwelling units on an individual lot or parcel when neither is an accessory dwelling.
B. “Dwelling unit, accessory” shall have the meaning set forth in DCC 18.116.355(A).
C. “Dwelling unit, historic accessory” shall have the meaning set forth in DCC 18.116.350(A).
D. "Dwelling unit, live/work” for purposes of DCC 18.108.055, is a dwelling unit in which a commercial use may be operated on the ground floor of the dwelling unit.
E. "Dwelling, lot of record" means a dwelling unit approved pursuant to ORS 215.705.
F. "Dwelling, manufactured" shall have the meaning set forth in ORS 446.003. As used in DCC Title 18, “manufactured home” shall be synonymous with “manufactured dwelling” as defined herein.
G. “Dwelling, multi-unit” means a building that consists of three or more attached dwelling units on an individual lot or parcel.
H. "Dwelling, multi-family" means a “multi-unit dwelling” as defined herein.
I. “Dwelling, single-unit” means a detached dwelling unit on an individual lot or parcel.
J. "Dwelling, single-family" means a “single-unit dwelling” as defined herein.
K. "Dwelling, single-family – zero lot line” in the Neighborhood Planning Area means a detached building containing one (1) single-unit dwelling, where one or more of the

building's sides coincide with a lot line, not including manufactured dwellings and temporary structures such as tents, teepees, travel trailers, and other similar structures.

L. "Dwelling, seasonal" means a single-unit dwelling, including a manufactured dwelling, travel trailer, or camping vehicle, designed for and used as a temporary dwelling for recreational or seasonal purposes only.

M. "Dwelling unit, zero lot line" means dwelling units which are constructed with a zero side setback.

N. "Town home", as applied in the La Pine Neighborhood Planning Area, means a single-unit dwelling with common walls on one or both side lot lines and continuous front facades. Alleys to the rear of the building provide parking and service access.

O. "Townhouse" means a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual lot or parcel.

~~P. "Two-family dwelling" means a "duplex" as defined herein.~~

HISTORY

Adopted by Ord. PL-15 on 11/1/1979
Amended by Ord. 82-013 §1 on 5/25/1982
Amended by Ord. 83-037 §2 on 6/1/1983
Amended by Ord. 83-033 §1 on 6/15/1983
Amended by Ord. 84-023 §1 on 8/1/1984
Amended by Ord. 85-002 §2 on 2/13/1985
Amended by Ord. 86-032 §1 on 4/2/1986
Amended by Ord. 86-018 §1 on 6/30/1986
Amended by Ord. 86-054 §1 on 6/30/1986
Amended by Ord. 86-056 §2 on 6/30/1986
Amended by Ord. 87-015 §1 on 6/10/1987
Amended by Ord. 88-009 §1 on 3/30/1988
Amended by Ord. 88-030 §3 on 8/17/1988
Amended by Ord. 89-004 §1 on 3/24/1989
Amended by Ord. 89-009 §2 on 11/29/1989
Amended by Ord. 90-014 §2 on 7/12/1990
Amended by Ord. 91-002 §11 on 2/6/1991
Amended by Ord. 91-005 §1 on 3/4/1991
Amended by Ord. 92-025 §1 on 4/15/1991
Amended by Ord. 91-020 §1 on 5/29/1991
Amended by Ord. 91-038 §§3 and 4 on 9/30/1991
Amended by Ord. 92-004 §§1 and 2 on 2/7/1992
Amended by Ord. 92-034 §1 on 4/8/1992
Amended by Ord. 92-065 §§1 and 2 on 11/25/1992
Amended by Ord. 92-066 §1 on 11/25/1992
Amended by Ord. 93-002 §§1, 2 and 3 on 2/3/1993

Amended by Ord. 93-005 §§1 and 2 on 4/21/1993
Amended by Ord. 93-038 §1 on 7/28/1993
Amended by Ord. 93-043 §§1, 1A and 1B on 8/25/1993
Amended by Ord. 94-001 §§1, 2, and 3 on 3/16/1994
Amended by Ord. 94-008 §§1, 2, 3, 4, 5, 6, 7 and 8 on 6/8/1994
Amended by Ord. 94-041 §§2 and 3 on 9/14/1994
Amended by Ord. 94-038 §3 on 10/5/1994
Amended by Ord. 94-053 §1 on 12/7/1994
Amended by Ord. 95-007 §1 on 3/1/1995
Amended by Ord. 95-001 §1 on 3/29/1995
Amended by Ord. 95-075 §1 on 11/29/1995
Amended by Ord. 95-077 §2 on 12/20/1995
Amended by Ord. 96-003 §2 on 3/27/1996
Amended by Ord. 96-082 §1 on 11/13/1996
Amended by Ord. 97-017 §1 on 3/12/1997
Amended by Ord. 97-003 §1 on 6/4/1997
Amended by Ord. 97-078 §5 on 12/31/1997
Amended by Ord. 2001-037 §1 on 9/26/2001
Amended by Ord. 2001-044 §2 on 10/10/2001
Amended by Ord. 2001-033 §2 on 10/10/2001
Amended by Ord. 2001-048 §1 on 12/10/2001
Amended by Ord. 2003-028 §1 on 9/24/2003
Amended by Ord. 2004-001 §1 on 7/14/2004
Amended by Ord. 2004-024 §1 on 12/20/2004
Amended by Ord. 2005-041 §1 on 8/24/2005
Amended by Ord. 2006-008 §1 on 8/29/2006
Amended by Ord. 2007-019 §1 on 9/28/2007
Amended by Ord. 2007-020 §1 on 2/6/2008
Amended by Ord. 2007-005 §1 on 2/28/2008
Amended by Ord. 2008-015 §1 on 6/30/2008
Amended by Ord. 2008-007 §1 on 8/18/2008
Amended by Ord. 2010-018 §3 on 6/28/2010
Amended by Ord. 2010-022 §1 on 7/19/2010
Amended by Ord. 2011-009 §1 on 10/17/2011
Amended by Ord. 2012-004 §1 on 4/16/2012
Amended by Ord. 2012-007 §1 on 5/2/2012
Amended by Ord. 2013-008 §1 on 7/5/2013
Amended by Ord. 2014-009 §1 on 8/6/2014
Amended by Ord. 2015-004 §1 on 4/22/2015
Amended by Ord. 2016-015 §1 on 7/1/2016
Amended by Ord. 2016-026 §1 on 11/9/2016
Amended by Ord. 2016-006 §1 on 2/27/2017
Amended by Ord. 2017-015 §1 on 11/1/2017
Repealed by Ord. 2018-005 §8 on 10/10/2018

Amended by Ord. 2018-006 §4 on 11/20/2018
Amended by Ord. 2019-010 §1 on 5/8/2019
Amended by Ord. 2019-016 §1 on 2/24/2020
Amended by Ord. 2020-001 §1 on 4/21/2020
Amended by Ord. 2020-010 §1 on 7/3/2020
Amended by Ord. 2020-007 §7 on 10/27/2020
Amended by Ord. 2021-013 §3 on 4/5/2022
Amended by Ord. 2022-014 §1 on 4/4/2023
Amended by Ord. 2023-001 §2 on 5/30/2023
Amended by Ord. 2024-008 §2 on 1/7/2025
Amended by Ord. 2025-002 §1 on 3/28/2025
Amended by Ord. 2025-009 §1 on 7/1/2025
Amended by Ord. 2025-016 §1 on 1/13/2026
Amended by Ord. 2026-XXX §1 on XX/XX/XXXX

FINDINGS
TITLE 18 – DUPLEX DEFINITION AMENDMENTS
TEXT AMENDMENTS
FILE NO. 247-26-000573-TA

I. APPLICABLE CRITERIA:

Deschutes County Code ("DCC")
Title 22, Deschutes County Development Procedures Ordinance

Deschutes County Comprehensive Plan ("DCCP")

Oregon Administrative Rule ("OAR")
Chapter 660-015, Statewide Planning Goals and Guidelines

II. BACKGROUND:

In 2026, the Board of County Commissioners ("Board") directed Community Development Department staff to initiate a text amendment to the County's definition of "duplex". The Board was contacted by a community member requesting that the County's definition be amended to align with House Bill (HB) 2138, which applies to cities and allows both attached and detached duplexes. This amendment is intended to increase flexibility in site design and reduce barriers to developing housing in certain zones.

Within Deschutes County's jurisdiction under DCC Title 18, duplexes are allowed in the zones listed in *Table 1* below. These allowances apply only to specific zones located within certain Unincorporated Communities and Rural Commercial exception areas, or approved Destination Resorts.

Table 1 – DCC Title 18 Duplex Zoning Allowances

18.65 Rural Service Centers	Commercial/Mixed Use District	Brothers
		Hampton
		Millican
		Whistlestop
		Wildhunt
		Alfalfa
18.66 Terrebonne Rural Community Zoning Districts	Terrebonne Residential (TeR) District	
	Terrebonne Residential 5-Acre Min. (TeR5) District	

18.67 Tumalo Rural Community Zoning Districts	Tumalo Residential (TuR) District
	Tumalo Commercial (TuC) District
18.74 Rural Commercial Zone (RC)	Deschutes Junction
	Deschutes River Woods Store
18.108 Urban Unincorporated Community Zone; Sunriver	Multiple Unit Residential (RM) District
18.113 Destination Resort (DR) Combining Zone	Eagle Crest Resort
	Caldera Springs Resort
	Juniper Preserve (formerly Pronghorn)
	Thornburgh Resort

III. PROPOSED TEXT AMENDMENTS:

The proposed text amendments are detailed in the referenced ordinance, with additional text identified by underline and deleted text by ~~strikethrough~~.

IV. BASIC FINDINGS:

The Board of County Commissioners directed staff to initiate the proposed text amendment. Staff initiated the proposed amendments and notified the Oregon Department of Land Conservation and Development ("DLCD") on September 30, 2026. As demonstrated in the findings below, the amendments remain consistent with Deschutes County Code, the Deschutes County Comprehensive Plan, and the Statewide Planning Goals.

V. FINDINGS:

DESCHUTES COUNTY CODE ("DCC")

Chapter 22.12, Legislative Procedures.

Section 22.12.010, Hearing Required.

No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.

FINDING: The Planning Commission ("Commission") will review the proposed amendments on October 22, 2026, and a public hearing before the Board will be conducted afterwards. Given the limited scope of the amendments, the Planning Director has elected to not schedule a public hearing before the Commission as allowed under this criterion.

Section 22.12.020, Notice.

A. Published Notice

1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.

2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.

FINDING: Published notice with the required information described under subsection (2) above will be published in *The Bulletin* newspaper at least 10 days prior to the public hearing.

B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.

FINDING: Posted notice was determined by the Planning Director not to be necessary.

C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.

FINDING: The proposed amendments are legislative and do not apply to any specific property. Therefore, individual notice is not required.

D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.

FINDING: Notice will be provided to the County public information official for wider media distribution. This criterion has been met.

Section 22.12.030, Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Deschutes County Planning Division at the direction of the Board and has received a fee waiver. This criterion has been met.

Section 22.12.040, Hearings Body

A. The following shall serve as hearings or review body for legislative changes in this order:

1. The Planning Commission.

2. The Board of County Commissioners.

B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.

FINDING: As noted above and required under this section, the Commission will review the proposed amendments on October 22, 2026, and afterwards the Board will hold a public hearing to review the proposed amendments at a date to be determined.

Section 22.12.050, Final Decision.

All legislative changes shall be adopted by ordinance.

FINDING: The proposed legislative changes included in file no. 247-26-000573-TA will be implemented by an ordinance upon approval and adoption by the Board.

2011 DESCHUTES COUNTY COMPREHENSIVE PLAN ("DCCP")

Chapter 1, Comprehensive Planning

Section 1.2, Community Involvement Policies.

Policy 1.2.5. Ensure effective, efficient planning procedures.

FINDING: The proposed amendments amend the "duplex" definition to allow for detached or detached dwellings, as permitted by HB 2138. This amendment will align the County's definition with other jurisdictions in the Central Oregon region, ensuring an effective and efficient planning process. This policy is met.

Appendix A – Terrebonne Community Plan

Residential Area Policies.

8. Plan and zone for a diversity of housing types and densities suited to the capacity of the land to accommodate water and sewer facilities.

FINDING: The proposed amendments provide additional flexibility for duplex site design within existing zoning and infrastructure constraints, and the amendments support a diversity of housing types and densities suited to the capacity of available water and sewer facilities. The proposed amendments do not change the zones in which duplexes are allowed or modify applicable requirements related to water and sewer facilities. This policy is met.

Appendix B – Tumalo Community Plan

Residential Area Policies.

1. Encourage density and design features that are compatible with existing development.

FINDING: The proposed amendments provide additional flexibility in site design and allow duplexes to be configured in ways that respond to the character and pattern of existing development. This policy is met.

OREGON ADMINISTRATIVE RULES ("OAR")

OAR 660-015, Statewide Planning Goals and Guidelines

Goal 1: Citizen Involvement:
FINDING: The amendments do not propose to change the structure of the County's citizen involvement program. Notice of the proposed amendments was provided to T*he Bulletin* for the Board public hearing.

Goal 2: Land Use Planning:
FINDING: The proposed amendments respond to community input and are supported by a reasoned review of applicable state and local land use regulations. The amendment updates the definition of "duplex" to allow the two dwelling units to be either attached or detached, providing greater flexibility in site design while preserving the existing zoning allowances for areas where duplex uses are permitted under DCC Title 18. The amendment provides clear direction for the consistent application of the County's land use regulations and supports efficient housing development consistent with the County's acknowledged land use planning framework. This goal is met.

Goal 3: Agricultural Lands:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 3. This goal does not apply.

Goal 4: Forest Lands:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 4. This goal does not apply.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 5. This goal does not apply.

Goal 6: Air, Water and Land Resources Quality:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 6. This goal does not apply.

Goal 7: Areas Subject to Natural Disasters and Hazards:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 7. This goal does not apply.

Goal 8: Recreational Needs:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 8. This goal does not apply.

Goal 9: Economic Development:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 9. This goal does not apply.

Goal 10: Housing:
FINDING: The proposed amendments update the definition of "duplex" to allow the two dwelling units to be either attached or detached. This expanded site design flexibility is supportive of housing development and may broaden housing options without altering where duplex uses are allowed. This goal is met.

Goal 11: Public Facilities and Services:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 11. This goal does not apply.

Goal 12: Transportation:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 12. This goal does not apply.

Goal 13: Energy Conservation:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 13. This goal does not apply.

Goal 14: Urbanization:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 14. This goal does not apply.

Goals 15 through 19

FINDING: These goals are not applicable to the proposed plan and text amendments because the County does not contain these types of lands.

VI. CONCLUSION:

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments to the Deschutes County Code.

MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Nicole Mardell, AICP, Principal Planner
Will Groves, Planning Manager

DATE: November 5, 2026

SUBJECT: Deliberations: Farm Store Text Amendments

The Deschutes County Planning Commission (Commission) will conduct deliberations on November 12, 2026, to consider amendments to Title 18 of the Deschutes County Development Code (247-26-000539-TA). The amendments propose local siting standards for farm stores as permitted by HB 4153 (2026). The Planning Commission held a work session on this proposal on October 8, 2026, and a public hearing on October 22, 2026[1]. A 35-day notice was provided to the Department of Land Conservation and Development (DLCD) on September 17, 2026.

All record materials can be found on the project website: https://www.deschutescounty.gov/FarmStoreTA

I. BACKGROUND

House Bill 4153, adopted during the 2026 Regular Session, authorized "farm stores" as a new use permitted outright in areas zoned for Exclusive Farm Use. The legislation allows qualifying farm operations to sell farm products and conduct related farm store activities, subject to applicable state law.

Effective January 1, 2027, HB 4153 adds farm stores as a "subsection (1)" or "sub-1" use under ORS 215.283, meaning that a qualifying farm store must be permitted subject to the governing state-law requirements and may not be subjected to additional County-created land-use approval criteria except where state law authorizes them. Independently applicable building, fire, health, road, and similar requirements continue to apply under their own authority. In the adopting bill, the legislature expressly permitted counties to adopt local siting standards for farm stores related to:

[1] https://www.deschutescounty.gov/1506/Meeting-Agendas-Minutes-Video

- Access, egress, and parking;
- Traffic management;
- Noise management;
- Hours of event operation; and
- Sanitation and solid waste.

Deschutes County is proposing amendments to Deschutes County Code (DCC) Chapter 18.16, Exclusive Farm Use Zone, to implement the new farm store allowance. The proposed regulations are intended to support farm-based economic development and seasonal operations while providing clear, predictable operating parameters that reduce avoidable impacts to neighboring property owners and rural infrastructure.

Further background can be found in the October 8 and October 22 memorandums.

II. PLANNING COMMISSION HEARING AND OPEN RECORD PERIOD

The Planning Commission held a public hearing on October 22 and voted to close the oral portion of the hearing and leave the written record open until November 4, 2026, at 4 p.m.

Three individuals provided oral testimony at the hearing, with the following themes:

- General support for farm store use
- Simplify requirements to the greatest extent possible
- Ensure requirements are flexible and adaptable to changing conditions
- Clarify intersection of agritourism with event permits
- Clarify unclear requirements to ensure expectations for all parties

Seventeen public comments were received with the following themes:

- Many would prefer additional opportunities for engagement, including a stakeholder group or committee.
- Support for regulations generally, but ideally a tiered approach. As drafted, the requirements are too rigid, expensive, and difficult for small farm operators to navigate without professional assistance.
- Support for performance-based code objectives, rather than prescriptive requirements. Ideally, those would allow flexibility to make routine changes to vendors, seasonal layouts, programming, and operations without requiring repeated land use approvals.
- Desire for a ministerial or objective review.
- Desire for amendments to other County code sections to avoid conflicts or duplications among County and Development Code requirements and applications.
- Desire for clearer guidance on intersection between County land-use standards and separately applicable building, fire, health, and food-safety requirements.
- Concern regarding vehicle parking in the right-of-way and pullouts
- Requests to:
    - Amend 100’ setbacks for parking and sanitation facilities, as they may render existing facilities unusable

- Extend hours for events with amplified sound to 9 p.m. on weekdays and 10 p.m. on weekends.
- Clarify when sanitation facilities will be required.
- Allow seasonal traffic management plans for similar, recurring events.
- Allow alternative paving materials, remove requirement for paved accessible parking spaces, and remove requirement for delineation of parking spaces.
- Allow parking on adjoining or adjacent parcels.
- Allow signage in public rights-of-way.
- Explicitly acknowledge existing farm stand approvals as valid.
- Have an impact-based trigger for traffic plans or studies, rather just a routine requirement.

One agency comment was received from the County's Senior Transportation Planner with recommended redline edits.

III. EVENT REQUIREMENTS

Commissioners requested information regarding the County's event permitting process. It is staff's understanding from the Department of Land Conservation and Development that Outdoor Mass Gathering requirements will continue to apply to farm store activities with over 500 people. For events with attendance under this number, it is unclear to staff at this time if an event permit will be required. Staff is working with DLCD and legal counsel to better understand this issue. Additional clarification may come from case law once HB 4153 is in effect.

IV. APPROACH TO DELIBERATIONS

Staff has provided a deliberations matrix to aid in the Commission's discussion of the proposed amendments. The matrix begins with higher-level policy questions for discussion, and then provides more detailed discussion of specific public comments and code options.

Several items that were referenced in public comments are not within the purview of the Planning Commission and are not included in the matrix. Staff will instead carry forward public comments on these items to the Board of County Commissioners and relevant agencies to discuss.

- Timeline for adoption, including request to delay consideration
- Permitting type, fees, and system development charges
- Technical assistance and grant funding resources for applicants
- Allowance in MUA-10 zone
- Processing of farm crops in the MUA-10 zone
- Food safety requirements
- Event permitting.
- Amendments to other county code sections, such as noise or events.

Staff will also integrate these recommendations during implementation of adopted code.

V. NEXT STEPS

Staff recommends the Commission complete deliberations on November 12 to ensure the Board of County Commissioners has the option to consider the draft amendments before the end of the calendar year.

The Planning Commission will recommend action to the Board of County Commissioners. It may recommend approval, approval with revisions, or denial of the proposed amendments.

Attachments:

- Decision Matrix
- Draft Amendments
- Draft Findings
- House Bill 4153 (2026)

PC DECISION MATRIX – HIGH LEVEL

Farm Store Text Amendments
File Nos. 247-26-000539-TA

	Policy Question	Public Comment Themes	Staff Comments	Recommendation
1	**Should the County apply local siting standards to farm stores?**	Public comments note the draft code is overly complex and could add cost to establishing a farm store, creating barriers for farmers. Other comments support clear, reasonable sideboards to ensure public safety and limit impact to neighboring properties.	HB 4153 states a local government "may" adopt siting standards for farm stores related to access, egress, and parking; traffic management, noise management; hours of event operation; or sanitation and solid waste. The bill also explicitly states these local siting standards may not be applied in a manner that prohibits the siting and operation of a farm store. The current bill, with the imposition of local siting standards, provides more flexibility for farm stores than other nonfarm uses in the Exclusive Farm Use Zone. If certain code provisions prevent the use, they can be waived for an alternative siting standard. Without these siting standards, staff anticipates concerns from neighbors related to noise, odor, traffic, and safety. The Planning Commission may recommend the Board adopt siting standards in all five categories or a selection of the categories (e.g. noise and sanitation / solid waste). Alternatively, the PC could recommend the Board not adopt any local siting standards.	A. Develop and apply local siting standards in all five categories. B. Develop and apply local siting standards in certain categories. C. Recommend the Board waive its ability to apply local siting standards.
2	**Should the code apply the same standards to all proposals, or tiered regulations based on intensity, scale, and/or seasonality?**	Public comments requested code that reflects the scale and intensity of the proposal, instead of a one-size-fits-all approach. They note that some operations may be a small farm stand, whereas another operation may be a large entertainment venue. The code should have fees and requirements that appropriately address concerns for small-scale operations, without requiring extensive fees or professional studies.	The bill language does not provide clear direction on what type of farm store submittals the County may expect to receive. Staff anticipates the County may receive applications for small operations, such as a 500-foot store with farm products, incidental retail, and no events, or potentially a large operation with a 10,000-square-foot store, small daily events, classes, grab-and-go food, food trucks, and larger seasonal events such as a harvest fair. Some operations may propose year-round activities, whereas others may be seasonal. Staff contemplated a tiered approach, but there wasn't a clear threshold on how to categorize small versus large-scale operations, as the bill allows for so many different activities to occur as part of the farm store use. The Planning Commission may provide guidance on this threshold, or identify baseline standards to apply to all uses, and specialty standards to apply to larger scale uses or those with certain operating characteristics, such as events.	A. Apply the same standards to all farm store proposals. B. Apply a tiered approach to farm store approvals, with different requirements for small- and large-scale proposals.

Farm Store Text Amendments
File Nos. 247-26-000539-TA

	Policy Question	Public Comment Themes	Staff Comments	Recommendation
3	**Should the code offer prescriptive standards or performance-based standards?**	Many commenters oppose universal setbacks, fixed design requirements, and automatic studies. They favor standards focused on actual road safety, noise, sanitation, and neighbor impacts and prefer outcome- or performance-based standards.	The code was drafted to provide prescriptive, clear, and specific criteria, while allowing for staff and the applicant to exercise discretion in meeting the local siting standards. By having concrete requirements, such as specific setbacks and hours of operation, there is less ambiguity in administering the code and determining if there are violations on properties in the event of code enforcement complaints. Prescriptive standards can also be difficult to draft to apply uniformly across all types of proposals and properties, and the County may have to amend or waive certain requirements in the event local siting standards may act as a prohibition of the use. Performance-based standards may allow for more flexibility to adapt to the unique characteristics of farm store operations and property configuration. This type of standard can also leave room for interpretation and disagreement between the applicant, staff, opposing parties, and potentially a Hearings Officer or Board of County Commissioners. An example such as “ensure parking is adequate” can be difficult to demonstrate compliance with and can be vulnerable to legal challenges. A hybrid approach may also be explored.	A. Utilize prescriptive standards. B. Utilize performance-based standards. C. Utilize a hybrid approach.
4	**What level of detail should be included regarding coordination with other departments or agencies?**	Many commenters spoke to duplicative requirements among agencies and a desire for a streamlined approach to review and licensing of farm store operations.	In recent years, staff has attempted to limit references to outside agency or state regulations, as those regulations may change over time and the Planning Division’s authority is limited to administering the zoning code. Planning staff has received mixed feedback on this approach. Some applicants would prefer to be aware of outside agency requirements, or at least a reference to who should be coordinated with on certain applications. Other applicants prefer a streamlined approach to avoid duplication of review. The current draft acknowledges coordination with certain groups (the Sheriff’s Office and Road Department) and notes generally that outside regulations may apply.	A. Focus code only on local siting standards to be administered by the Planning Department. B. Provide references to coordination with other County departments and outside agencies.

PC DECISION MATRIX - DETAILED

Farm Store Text Amendments
Nos. 247-26-000539-TA

	Siting Standard Category	Draft Code Provision	Public Comment and Staff Analysis	Decision Point
5	**All**	None	Public comments at a high level, noted that the local siting standards could prevent farming operations from establishing farm stores. Staff notes that HB 4153 specifically notes that local siting standards cannot prohibit the use. If a local siting standard were to have the effect of prohibiting the use, staff has discretion to alter or waive the requirements. The Planning Commission may consider adding a provision that explicitly addresses this situation and allows for a "safe harbor" approach to be used to meet the intent of the code.	A. Recommend code as drafted. B. Recommend code be amended to explicitly state "safe harbor" provision.
6	**Access, Egress, and Parking**	Parking must have 100' setback from lot lines Parking must be located on the same lot or parcel as the farm store.	Public comments recommended the code be simplified to the greatest extent possible. Commenters requested allowances for parking on adjacent parcels, provided the farmer has documented rights to use the parcel and safe pedestrian/vehicle connections. Commenters also noted the 100' setback could render existing infrastructure non-compliant. Staff notes the County's Senior Transportation Planner provided suggested edits into the record which seek to reorganize, clarify, and simplify requirements for parking. The 100' parking setback was intended to prevent complaints from neighboring properties and encroachment over property lines or into the right-of-way. An alternative would be to apply existing setback requirements for the Exclusive Farm Use Zone (EFU), which require 25' from rear and side property lines, and 40-100' from front property lines depending on road classification. This is included in the edits from the Senior Transportation Planner. The EFU zone does not allow for parking lots as a standalone use. In the case of a tract, the applicant may be able to apply for a farm store use on several parcels in the tract, with parking on one of the parcels.	A. Recommend code as drafted. B. Recommend code as drafted, with edits from Senior Transportation Planner. B. Recommend alternative parking setback. C. Recommend language to clarify parking on parcels in a tract. D. Other recommendations.
7	**Access, Egress, and Parking**	Paved accessible parking spaces Required vehicle maneuvering surface material Parking space delineation	Public comments noted concern regarding the cost of paved accessible spaces and requested flexibility in vehicle maneuvering surfaces to adapt to different conditions. Commenters also expressed concern over requirements for delineation of parking stalls through chalk or other visual demarcation. Staff notes the requirement for paved accessible parking stalls was intended to ensure the spaces were usable for mobility devices. The Senior Transportation Planner edits add additional surface materials to ensure dust prevention to promote flexibility. Demarcation of parking spaces is recommended to ensure adequate facilities are available to meet demand and prevent conflicts among user groups, although if desired, the Planning Commission may consider a threshold of a certain number of parking spaces or other mechanisms to trigger demarcation of parking spaces.	A. Recommend code as drafted. B. Recommend code as drafted with edits from Senior Transportation Planner. C. Recommend code be amended to remove requirement for paving. D. Recommend demarcation threshold. E. Other recommendations.

Farm Store Text Amendments
Land Use File Nos. 247-26-000539-TA

	Issue Area	Provision	Public Comment and Staff Analysis	Decision Point
8	**Access, Egress, and Parking**	Required minimum driveway queuing distance	Public comments expressed safety concerns about vehicle queueing or parking in the right-of-way. Staff notes the Senior Transportation Planner edits add a minimum queuing distance of 75' from the public road system, and a requirement for approval from the Fire Marshal or relevant fire protection district for emergency access and circulation.	A. Recommend code as drafted. B. Recommend code as drafted, with edits from Senior Transportation Planner. C. Other recommendations.
9	**Traffic Management**	Requirements of traffic analysis Preparation of traffic management plans for events with over 100 attendees	Public comments recommended the code be simplified to the greatest extent possible. Commenters requested one seasonal traffic management plan for similar recurring events with over 100 attendees, instead of for each event. Commenters also requested clarification on whether the threshold includes total attendance or people onsite at the same time. Staff notes the County's Senior Transportation Planner provided suggested edits into the record which seek to reorganize, clarify, and simplify requirements for traffic management. Staff drafted the requirement for a traffic management plan to promote coordination between the operator, road department, and Sheriff's office and does not identify a concern with the recommendation for a seasonal traffic plan for similar, recurring events. The intended threshold was the total number of attendees. The Planning Commission may consider an alternative number or threshold to require a traffic management plan.	A. Recommend code as drafted. B. Recommend code as drafted, with edits from Senior Transportation Planner. C. Other recommendations.
10	**Noise Management**	Amplification equipment requirements: • 100' from noise-sensitive uses on abutting properties Alternate path – mitigation from landscaping, intervening structures, terrain features, etc.	Public comments did not raise concern regarding sound level limitations but did question the necessity for the alternate path for the location of amplification equipment. Staff note the alternate path is proposed as the local siting standards cannot prohibit use. If the 100' setback for amplification equipment is not possible, the alternate path provides a mechanism to reduce the impacts to neighbors from this equipment. An alternative would be to utilize the existing setback requirements for the Exclusive Farm Use Zone in 18.16.070, which requires 25' setbacks from rear and side property lines, and 40-100' setbacks from front property lines depending on road classification.	A. Recommend code as drafted. B. Recommend EFU setbacks in place of 100' setback. C. Other recommendations.

Farm Store Text Amendments
Land Use File Nos. 247-26-000539-TA

	Issue Area	Provision	Public Comment and Staff Analysis	Decision Point
11	**Hours of Event Operation**	Event hours: • Amplified sound 8 a.m. to 8 p.m. • Non-amplified sound 8 a.m. – 10 p.m. Attendee arrival/departure requirements	Public comments requested extending the hours for events with amplified sound to 9 p.m. Monday -Thursday and 10 p.m. Friday through Sunday, with a grace period for arrival/departures. The current hours may limit attendees due to weekday working hours, and the nature of hosted events. Staff notes that arrival and departure times only apply to attendees and do not apply to deliveries, vendors, or employees. This provision was added to ensure neighboring properties have a reasonable expectation of event duration.	A. Recommend code as drafted. B. Recommend extended hours for amplified events. C. Other recommendation.
12	**Sanitation & Solid Waste**	Must meet "peak simultaneous demand" 100' setback from lot lines	Public comments requested clarity on when sanitation facilities should be required. Comments also expressed concern regarding the 100' setback, noting that this requirement might prohibit operations, and that placement of facilities near fence lines or in a corner of parking areas may be the most practical. Staff notes that the variety in intensity and scale of potential farm store activities makes it difficult to establish a specific threshold for sanitation and solid waste facilities. The code instead allows for flexibility between the applicant and County staff reviewing the application to determine necessary facilities during each application process. The proposed setback seeks to limit disturbance to neighboring properties related to noise and odor associated with sanitation and waste facilities. An alternative would be to utilize the existing setback requirements for the Exclusive Farm Use Zone in 18.16.070, which requires 25' setbacks from rear and side property lines, and 40-100' setbacks from front property lines depending on road classification.	A. Recommend code as drafted. B. Recommend EFU setbacks in place of 100' setback. C. Recommend threshold for sanitation and solid waste facilities. D. Other recommendation.

CHAPTER 18.16 EXCLUSIVE FARM USE ZONES

18.16.010 Purpose
18.16.020 Uses Permitted Outright
18.16.023 Lawfully Established Dwelling Replacement (Repealed)
18.16.025 Uses Permitted Subject To The Special Provisions Under DCC Section 18.16.038 Or DCC Section 18.16.042 And A Review Under DCC Chapter 18.124 Where Applicable
18.16.030 Conditional Uses Permitted; High Value And Non-High Value Farmland
18.16.031 Conditional Uses On Non-High Value Farmland Only
18.16.033 Conditional Uses On High Value Farmland Only
18.16.035 Destination Resorts
18.16.037 Guest Ranch

18.16.039 Farm Stores
18.16.038 Special Conditions For Certain Uses Listed Under DCC 18.16.025
18.16.040 Limitations On Conditional Uses
18.16.042 Agri-Tourism And Other Commercial Events Or Activities Limited Use Permit
18.16.043 Single Permit
18.16.050 Standards For Dwellings In The EFU Zones
18.16.055 Land Divisions
18.16.060 Dimensional Standards
18.16.065 Subzones
18.16.067 Farm Management Plans
18.16.070 Setbacks
18.16.080 Ordinary High Water Mark Setbacks
18.16.090 Rimrock Setback
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18.16.025 Uses Permitted Subject To The Special Provisions Under DCC Section 18.16.038 Or DCC Section 18.16.042 And A Review Under DCC Chapter 18.124 Where Applicable

A. Dwellings customarily provided in conjunction with farm use (farm-related dwellings), subject to DCC 18.16.050.

B. A relative farm assistance dwelling, subject to DCC 18.16.050.

C. Religious institutions or assemblies and cemeteries in conjunction with religious institutions or assemblies consistent with ORS 215.441 and OAR 660-033-0130(2) on non-high value farmland.

D. Expansion of an existing church or cemetery in conjunction with a church on the same tract as the existing use, subject to Oregon Administrative Rules 660-033-0130.

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

1. DCC 18.16.038(A); or
2. DCC 18.16.038(E) if the utility facility is an associated transmission line, as defined in ORS 469.300.

F. Winery, as described in ORS 215.452.

G. Farm stands, subject to DCC 18.16.038.

H. A site for the takeoff and landing of model aircraft, including such buildings or facilities as may be reasonably necessary.

I. A facility for the processing of farm crops, subject to the following standards:

1. The facility:
    a. Uses less than 10,000 square feet for its processing area and complies with all applicable siting standards. Siting standards shall not be applied in a manner that prohibits the siting of a facility for the processing of farm products; or
    b. Exception: A facility which uses less than 2,500 square feet for its processing area is exempt from any applicable siting standards. However, applicable standards and criteria pertaining to floodplains, geologic hazards, beach and dune hazards, airport safety, tsunami hazards and fire siting standards shall apply.
2. The County shall not approve any division of a lot or parcel that separates a facility for the processing of farm products from the farm operation on which it is located.

J. Agri-tourism and other commercial events and activities subject to DCC 18.16.042.

K. Dog training classes or testing trials conducted outdoors or in farm buildings that existed on January 1, 2019, when:

1. The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and
2. The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.

L. Farm Store, subject to DCC 18.16.039. DCC Chapter 18.124 does not apply to a farm store except where specified.

HISTORY
Adopted by Ord. 2004-001 §2 on 7/14/2004
Amended by Ord. 2008-001 §2 on 5/6/2008
Amended by Ord. 2009-014 §1 on 6/22/2009
Amended by Ord. 2010-022 §2 on 7/19/2010
Amended by Ord. 2012-004 §2 on 4/16/2012
Amended by Ord. 2012-007 §2 on 5/2/2012
Amended by Ord. 2014-010 §1 on 4/28/2014
Amended by Ord. 2016-015 §2 on 7/1/2016
Amended by Ord. 2020-001 §3 on 4/21/2020
Amended by Ord. 2021-004 §1 on 5/27/2021
Amended by Ord. 2021-013 §4 on 4/5/2022

Amended by Ord. 202x-0xx §x on x/x/20xx

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18.16.039 Farm Store

A. Scope of Use.

1. A farm store may be approved only if the applicant demonstrates that the proposal complies with the Oregon Revised Statutes (ORS) and Administrative Rules (OAR) governing farm stores that apply to the application, including the farm-store provisions originally enacted as ORS 215.283(1)(aa), as those provisions may be codified, amended or superseded, and satisfies the applicable criteria of this section. The standards in this section are in addition to, and do not replace or modify the requirements of the applicable ORS and OAR.

B. Eligibility.

1. The farm store tract or farm unit shall meet the acreage or income requirements in ORS 215.283.

C. Application. The application shall include the following.

1. Demonstration of eligibility, including the following:
   a. Site Plan identifying all lots or parcels included in the farm store tract, or farm unit if income is required to determine eligibility.
   b. Acreage currently in farm uses under ORS 215.283(1);
   c. Narrative identifying current farm uses under ORS 215.283(1); and
   d. Income Test Only
      1) Ownership information for the farm unit
      2) Lease agreement, if applicable.
      3) Income records for the preceding two years

2. A narrative and supporting evidence identifying the proposed farm store uses described under DCC 18.16.039(A):

   a. An operating statement identifying each proposed farm store use and activities, including uses and activities involving contractors or vendors, and days and hours of operation for each use;

   b. Any farm store uses and/or activities expected to operate at the same time;

   c. Reasonably anticipated peak simultaneous customers, contractors, employees, vendors, and vehicles, and associated arrival and departure patterns;

   d. The types and locations of all permanent and temporary structures, vehicle and pedestrian access and egress, parking facilities, outdoor amplified-sound equipment and speaker orientation, and sanitation and solid waste to be used in connection with activities.

3. Site plan identifying the following:

   a. All permanent and enclosed structures used as part of the farm store, temporary and mobile vending units, temporary structures and mobile vending units, and outdoor areas to be used for farm store uses and/or activities.
   b. Floor plan(s) for all permanent enclosed structures to be used for the following farm store uses and activities:

1) Sales area for farm products or processed farm products produced by the farm operation that operates the farm store or an Oregon farm;
2) Sales area for other retail items;
3) Sales area for beverages and other prepared food items that are cooked or otherwise made ready for immediate consumption;
4) Farm-to-table meal dining and seating areas;
5) Restrooms;
6) Storage; and
7) Any area accessible to the public.

c. Existing and proposed access points, internal vehicle circulation, loading, drop-off, queuing, and turnaround areas.
d. Employee, contractor, customer, vendor, and event parking areas and dimensions including permanent, seasonal and holiday event, overflow, and/or shared parking.
e. Pedestrian routes.
f. Outdoor amplified-sound equipment and speaker orientation.
g. Sanitation and solid waste facilities and service access.

4. Inspection of Farm Store Premises Authorization. The property owner shall allow reasonable inspections by County staff and other agencies with jurisdiction, upon reasonable notice and during business hours or approved operating hours, except where immediate entry is authorized by law.

D. Siting Standards. In addition to satisfying the applicable ORS and OAR, a farm store shall comply with the following local siting standards.

1. Access, Egress, and Parking
   a. Attendance and vehicle demand may not exceed the capacity supported by the facilities. Use of ticketing or reservation systems may be used to ensure attendance does not exceed this capacity.
   b. Roadways, driveway aprons, and driveways shall be surfaces that prevent dust and may include paving, gravel, cinders, or bark/wood chips.
   c. Access shall be from a permitted driveway, or from a driveway approved through the County Road Department's applicable access-permit process. Driveways extending from paved roads shall have a paved apron.

d. Transportation access to the site shall meet the requirements of 18.124.060(K)(1-3).
e. Access, internal circulation, parking, loading, drop-off, queuing, and turnarounds shall accommodate expected vehicles without obstructing a public-road travel lane, emergency access areas, clear vision areas, bicycle or pedestrian facilities, or access to an abutting or nearby property.
f. Parking shall be provided in accordance with 18.116.030(D). Parking shall reasonably accommodate anticipated peak simultaneous vehicle demand for the farm store and all associated activities. Shared parking may be counted only when it is available during the periods for which it is relied upon and satisfies 18.116.030(E)(2).
g. Parking and access facilities shall comply with DCC 18.116.020 and DCC 18.116.030(E)(5), (F)(1-3), (5), (7-8), and (G).
h. Parking must be accommodated entirely on the same lot or parcel as the farm store and a minimum of 100 feet from any lot line. Reasonably direct pedestrian routes shall connect parking areas with customer building entrances and activity areas. All pedestrian routes shall be marked, separated, or otherwise designed to provide safe passage.

i. Parking stall dimensions shall be delineated through paint, chalk, or other visual demarcation, and separated from pedestrian areas by physical barriers, fencing, landscaping, or sizeable separation distance.
j. All parking areas must use a stabilized or permeable surface and must be maintained to prevent dust, erosion, or drainage hazards affecting a public road or abutting or nearby property. Accessible parking spaces shall be paved.
k. No farm store uses or activities, including signage, shall encroach into the public right-of-way.

2. Traffic Management

a. The proposal shall not create or materially aggravate a specific traffic-safety or operational hazard reasonably attributable to the farm store, including hazardous queuing, spillback or turning conflicts at the site access or another affected intersection.

b. Concentrated arrival or departure periods that would extend queues into a public-road travel lane or create a specific conflict among customer, contractor, vendor, delivery, employee, bicycle or pedestrian movements shall be managed through reservations, staggered starts, attendants, directional controls, delivery scheduling or another practicable operating measure sufficient to prevent the identified queue or conflict.

c. The farm store operator shall coordinate with the Deschutes County Sheriff's Office and Deschutes County Road Department on traffic management plans for events with over 100 attendees. Coordination shall occur at least 30 days prior to each event.

d. When substantial evidence, including comments from a responsible road authority, identifies a specific issue under paragraph (c) that cannot reasonably be evaluated without professional traffic analysis, the analysis shall be prepared by a professional engineer under DCC 18.116.310(C) (1-2) and (4) and shall include only those elements of DCC 18.116.310(D) through (H) reasonably necessary to evaluate the identified issue, subject to the following modifications:

1) The analysis shall evaluate the day and continuous one-hour period of reasonably anticipated greatest farm store traffic, whether weekday or weekend.

2) The analysis may use professionally supported comparable-site, linked-trip, pass-by, internal-capture, reservation, attendance, and proposed operating-limit data and shall avoid double counting persons or vehicles participating in multiple farm store activities during one visit.

3) The study area and mitigation analysis shall be limited to the specific traffic effects reasonably attributable to the farm store.

3. Noise Management

a. The cumulative sound level attributable to the farm store and associated activities shall not exceed 65 dBA at any lot line and shall not exceed 55 dBA at the location of any noise-sensitive use on abutting or nearby properties.

b. Amplification equipment shall be setback 100 feet from, and positioned facing away from, noise-sensitive uses on abutting or

nearby properties. If less than 100 feet from a noise-sensitive use, noise shall be mitigated by landscaping, intervening structures, terrain features, or other sound-buffering installations proportional to potential impact.

c. A standard sound level meter or equivalent, in good condition, that provides a weighted sound pressure level measured by use of a metering characteristic with an "A" frequency weighting network and reported as dBA shall be available on-site at all times.

d. This subsection applies only to sound generated by or attributable to the farm store and associated activities. Noise associated with accepted and customary farm activities conducted in accordance with federal and state laws are not be subject to this section.

4. Hours of Event Operation.

a. Farm store events involving amplified sound may operate only between 8:00 a.m. and 8:00 p.m.
b. Farm store events not involving amplified sound may operate only between 8:00 a.m. and 10:00 p.m.
c. Attendee arrival and departure must be included in the hours of operation in this section.

5. Sanitation and Solid Waste

a. Applications are subject to fire, health, and life safety requirements, and shall comply with all requirements of the Deschutes County Building Safety Division and the Onsite Wastewater Division and any other applicable federal, state, and local laws.
b. Sanitation and solid waste facilities shall be sufficient for the reasonably anticipated peak simultaneous demand.
c. All sanitation and solid waste facilities shall be located at least 100 feet from any lot line.
d. Facilities shall be located and serviced so that they do not obstruct required access or circulation or result in overflow, leakage, vectors, animal access, or windblown litter.
e. Farm store generated waste shall be contained during operation and removed or secured after the operating period in which it was generated. If relied-upon sanitation or solid waste capacity becomes

unavailable, farm store activities may operate only at the level supported by the remaining compliant facilities.

f. This subsection applies only to sanitation and solid waste attributable to the farm store and associated activities.

HISTORY

Adopted by Ord. 20xx-xxx on xx/xx/20xx

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FINDINGS
FARM STORE AMENDMENTS
247-26-000539-TA

I. APPLICABLE CRITERIA:

Title 22, Deschutes County Development Procedures Ordinance

II. BACKGROUND:

House Bill 4153, adopted during the 2026 Regular Session, authorized "farm stores" as a new use permitted outright in areas zoned for Exclusive Farm Use. The legislation allows qualifying farm operations to sell farm products and conduct related farm store activities, subject to applicable state law.

Farm stores are authorized as a "subsection (1)" use under ORS 215.283, meaning that the use is required to be permitted outright and no local definitions or standards can be imposed, except where specifically identified. In the adopting bill, the legislature expressly permitted counties to adopt local siting standards for farm stores related to:

- Access, egress, and parking;
- Traffic management;
- Noise management;
- Hours of event operation; and
- Sanitation and solid waste.

Deschutes County is proposing amendments to Deschutes County Code (DCC) Chapter 18.16, Exclusive Farm Use Zone, to implement the new farm store allowance. The proposed regulations are intended to support farm-based economic development and seasonal operations while providing clear, predictable operating parameters that reduce avoidable impacts to neighboring property owners and rural infrastructure.

III. AMENDMENT SUMMARY:

To comply with this legislation, staff is proposing the following amendments:

- Add use to 18.16.025 Uses Permitted Subject to Special Provisions
- Create a new section 18.16.039, Farm Store section containing eligibility criteria, application requirements, and local siting standards.

As state law only allows the County to develop local siting standards related to the five areas cited above, the amendments defer to state law for the majority of the criteria.

IV. BASIC FINDINGS:

The Planning Division determined amendments were necessary to incorporate changes to state law into various sections of the Deschutes County Code. Staff initiated the proposed amendments and notified the Oregon Department of Land Conservation and Development on September 17, 2026 (File no. 247-26-000539-TA). As demonstrated in the findings below, the amendments remain consistent with the Deschutes County Code, the Deschutes County Comprehensive Plan, and the Statewide Planning Goals.

V. FINDINGS:

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.

FINDING: This criterion will be met because public hearings will be held before the Deschutes County Planning Commission (Commission) and the Board of County Commissioners (Board).

Section 22.12.020, Notice

Notice

A. Published Notice

1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.

2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.

FINDING: This criterion will be met as notice will be published in *The Bulletin* newspaper at least 10 days prior to each public hearing.

B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.

FINDING: Posted notice was determined by the Planning Director not to be necessary.

C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.

FINDING: The proposed amendments are legislative and do not apply to any specific property. Therefore, individual notice is not required.

D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.

FINDING: Notice was provided to the County public information official for wider media distribution. This criterion has been met.

Section 22.12.030 Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Deschutes County Planning Division at the direction of the Board and has received a fee waiver. This criterion has been met.

Section 22.12.040. Hearings Body

A. The following shall serve as hearings or review body for legislative changes in this order:
1. The Planning Commission.
2. The Board of County Commissioners.
B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.

FINDING: This criterion will be met because public hearings will be held before the Deschutes County Planning Commission (Commission) and the Board of County Commissioners (Board).

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes included in file no. 247-25-000539-TA will be implemented by ordinance upon approval and adoption by the Board.

OAR 660-015, STATEWIDE PLANNING GOALS AND GUIDELINES

Goal 1: Citizen Involvement:
FINDING: The amendments do not propose to change the structure of the County's citizen involvement program. Notice of the proposed amendments was provided to the *Bulletin* for the Board public hearing.

Goal 2: Land Use Planning:
FINDING: The proposed amendments integrate a new use resulting from House Bill 4153 (2026) and local siting standards into the Deschutes County Code. The proposal has a factual basis and is consistent with the intent of the Comprehensive Plan and zoning districts. This goal is met.

Goal 3: Agricultural Lands:
FINDING: The proposed amendments integrate a new use resulting from House Bill 4153 (2026) and local siting standards into the Deschutes County Code. The legislature adopted the new allowances for farm stores as a way to support income-generating activities on agricultural properties. Farm stores and events are intended as a tool to further support agricultural operations on the property and promote the farm operation, visitors to the farm store, and sale of farm store products. This goal is met.

Goal 4: Forest Lands:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 4 and the use is not allowed on forest zoned property. This goal does not apply.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 5. This goal does not apply.

Goal 6: Air, Water and Land Resources Quality:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 6. This goal does not apply.

Goal 7: Areas Subject to Natural Disasters and Hazards:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 7. This goal does not apply.

Goal 8: Recreational Needs:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 8. This goal does not apply.

Goal 9: Economic Development:
FINDING: The proposed amendments integrate a new use resulting from House Bill 4153 (2026) and local siting standards into the Deschutes County Code. The legislature adopted the new allowances for farm stores as a way to support income-generating activities on agricultural

properties. Farm stores and events are intended as a tool to further support agricultural operations on the property and promote the farm operation, visitors to the farm store, and sale of farm store products. This goal is met.

Goal 10: Housing:
FINDING: The proposed amendments integrate a new use resulting from House Bill 4153 (2026) and local siting standards into the Deschutes County Code and do not impact any housing requirements or allowances. This goal does not apply.

Goal 11: Public Facilities and Services:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 11. Impacts to public facilities and services are mitigated, to the extent allowed by state law, through the proposed local siting standards. This goal is met.

Goal 12: Transportation:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 12. Impacts to transportation are mitigated, to the extent allowed by state law, through the proposed local siting standards. This goal is met.

Goal 13: Energy Conservation:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 13. This goal does not apply.

Goal 14: Urbanization:
FINDING: The proposed amendments integrate a new use resulting from House Bill 4153 (2026) and local siting standards into the Deschutes County Code. This goal is met.

Goals 15 through 19
FINDING: These goals are not applicable to the proposed plan and text amendments because the County does not contain these types of lands.

2011 DESCHUTES COUNTY COMPREHENSIVE PLAN

Chapter 2 – Resource Management - Section 2.2 Agricultural Land Policies

Policy 2.2.5 Uses allowed in Exclusive Farm Use zones shall comply with State Statute and Oregon Administrative Rule.

Policy 2.2.6 Regularly review farm regulations to ensure compliance with changes to State Statute, Oregon Administrative Rules and case law.

FINDING: The intent of the text amendment is to integrate a new use into local code for implementation. Where possible, staff has directly referenced state statute and administrative rule. These policies are met.

Chapter 3 – Rural Growth Management - Section 2.2 Rural Economy Policies

Goal 1. Maintain a stable and sustainable rural economy, compatible with rural lifestyles and a healthy environment.

Policy 3.4.1 Promote rural economic initiatives, including home-based businesses, that maintain the integrity of the rural character and natural environment.

a. Review land use regulations to identify legal and appropriate development opportunities.

FINDING: The text amendments will allow farm stores, a use permitted by state law, to operate on agricultural lands in the rural county. These operations have the opportunity to promote economic development in the rural county through legal and appropriate development opportunities. Operations will be reviewed to ensure they are compatible with the rural character and natural environment of the surrounding area through compliance with reasonable siting standards.

VI. CONCLUSION:

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments to the Deschutes County Code.

Enrolled
House Bill 4153

Sponsored by Representative BREESE-IVERSON, Senators SOLLMAN, SMITH DB, Representatives HELFRICH, LEVY B, RIEKE SMITH, Senator ANDERSON; Representatives ELMER, LEVY E, OWENS, RESCHKE, Senators BROADMAN, GIROD, GORSEK, MCLANE, MEEK, NASH, WEBER (Presession filed.)

CHAPTER .....

AN ACT

Relating to farm stores; creating new provisions; and amending ORS 215.213, 215.283, 475A.570 and 475C.489.

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

SECTION 1. Section 2 of this 2026 Act is added to and made a part of ORS chapter 215.

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

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

(i) Farm tours;

(ii) Educational exhibits or classes;

(iii) Crop mazes;

(iv) Play structures;

(v) Farm-to-table meals;

(vi) Animal petting and feeding exhibits;

(vii) Hay or tractor rides; or

(viii) Other seasonal or holiday events.

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

(b) "Farm-to-table meal" means a meal offered as part of a fee-based dining experience, where food grown by a farm operation or farmers in a local agricultural area is prepared and served in a manner that educates the public about agricultural production or on-site sourcing.

(c) "Farm unit" means a farm operation comprising all parcels being farmed by a single operation, whether the operation owns or leases the parcels.

(d) "Farm use" means, notwithstanding ORS 215.010, only those activities listed under ORS 215.203 (2)(a) undertaken for the primary purpose of obtaining a profit.

(e) "Local agricultural area" means Oregon or an adjacent county in California, Idaho, Nevada or Washington that borders an Oregon county in which a farm store is located.

(f) "Processed farm product" means a farm product that has been transformed into a manufactured product through methods such as cooking, baking, heating, drying, mixing,

grinding, churning, separating, extracting, cutting, butchering or freezing and has been packaged or canned for human or animal use.

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

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

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

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

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

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

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

(D) Less than 20 acres if:

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

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

(3) Farm stores may be used for:

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

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

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

(d) Agri-tourism activities.

(4) The sale of retail items under subsection (3)(b) of this section must take place within a permanent enclosed structure. All other allowable farm store uses may take place outside or in temporary or unenclosed structures.

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

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

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

(A) Access, egress and parking;

(B) Traffic management;

(C) Noise management;

(D) Hours of event operation; or

(E) Sanitation and solid waste.

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

SECTION 3. ORS 215.213 is amended to read:

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

(a) Churches and cemeteries in conjunction with churches.

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

(c) Utility facilities necessary for public service, not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height, but including:

(A) Utility facilities as provided in ORS 215.275;

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

(C) Wetland waste treatment systems; or

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

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

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

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

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

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

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

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

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

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

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

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

(o) Creation, restoration or enhancement of wetlands.

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

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

(r) Farm stands if:

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

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

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

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

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

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

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

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

(A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

(A) Consists of 20 or more acres; and

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

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

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

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

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

(d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(n) Home occupations as provided in ORS 215.448.

(o) Transmission towers over 200 feet in height.

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

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

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

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

(t) Room and board arrangements for a maximum of five unrelated persons in existing residences.

(u) A living history museum related to resource based activities owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas

other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of the metropolitan urban growth boundary. As used in this paragraph:

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

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

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

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

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

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

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

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

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

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

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

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

(C) Colocated with a community center or a public or private school allowed under this subsection.

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

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

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

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

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

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

(b) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a geological hazard area, the dwelling complies with conditions imposed by local ordinances relating

specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is applicable; and

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

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

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

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

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

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

(a) Only one lot or parcel exists if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Planned hours of operation;

(ii) Access, egress and parking;

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

(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

(D) Must comply with ORS 215.296;

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

(F) Must comply with conditions established for:

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

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

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

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

(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. ORS 215.283 is amended to read:

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

(a) Churches and cemeteries in conjunction with churches.

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

(c) Utility facilities necessary for public service, not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height, but including:

(A) Utility facilities as provided in ORS 215.275;

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

(C) Wetland waste treatment systems; or

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

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

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

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

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

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

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

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

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

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

(m) Creation, restoration or enhancement of wetlands.

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

(o) Farm stands if:

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

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

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

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

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

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

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

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

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

(A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

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

(b) Operations conducted for:

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

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

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

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

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

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

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

(f) Golf courses on land:

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

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

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

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

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

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

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

(i) Home occupations as provided in ORS 215.448.

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

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

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

(m) Transmission towers over 200 feet in height.

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

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

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

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

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

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

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

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

(u) Room and board arrangements for a maximum of five unrelated persons in existing residences.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Colocated with a community center or a public or private school allowed under this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

(i) Planned hours of operation;

(ii) Access, egress and parking;

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

(iv) Sanitation and solid waste.

(b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize, through an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. A decision

concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of a county or its designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:

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

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

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

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

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

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

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

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

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

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

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

(D) Must comply with ORS 215.296;

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

(F) Must comply with conditions established for:

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

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

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

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

(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

475C.489. (1) Marijuana is:

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

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

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

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

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

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

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

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

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

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

(4) This section applies to:

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

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

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

Passed by House March 4, 2026

.....
Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate March 6, 2026

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2026

Approved:

.....M.,....., 2026

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2026

.....
Tobias Read, Secretary of State