

AGENDA



ASSOCIATION OF
OREGON COUNTIES
EST 1906

LEGISLATIVE COMMITTEE MEETING

Monday, January 12, 2026
2-3 p.m.
Association of Oregon Counties
1212 Court St NE, Hood Room
Salem, OR 97301

Join by Google Meet:
meet.google.com/cfo-rkcq-ymi
Or dial: (US) +1 646-883-4308 PIN:
578 911 612#

ITEM	PAGE	TOPIC	TIME	SPEAKER
1.1	p.3	Legislative Committee called to order/ Roll call	2:00 5 mins	President Erin Skaar Legislative Coordinator Rachael Gangelhoff
1.2		Approval of agenda (ACTION)	2:05 3 min	President Erin Skaar
1.3	p.4	Consent agenda (ACTION/POSSIBLE ACTION) - Approval of minutes from October 13, 2025	2:08 1 min	President Erin Skaar
1.4		Regional Solutions/Governor's Office Update (INFORMATION)	2:09 10 min	Regional Solutions Director Amelia Porterfield
1.5		Legislative Director Update (INFORMATION)	2:19 6 mins	AOC Legislative Affairs Director Mallorie Roberts
2.		STEERING COMMITTEE REPORTS & ACTION/POSSIBLE ACTION ITEMS	2:25 25 mins	President Erin Skaar
2.1		Governance, Revenue, and Economic Development - Committee report (INFORMATION)	5 mins	Co-Chair Garrett, Co-Chair Shepherd
2.2		Health and Human Services - Committee report (INFORMATION)	5 mins	Co-Chair Collier, Co-Chair Fai
2.3	p.21	Natural Resources - Committee report (INFORMATION) - Committee recommendations (ACTION/POSSIBLE ACTION) a. LC 81 - Farm Stands	5 mins	Co-Chair Hege, Co-Chair Pope

UNITED COUNTIES. UNITED OREGON.

1212 Court St. NE | Salem, OR 97301-4181 | 503.585.8351 | www.oregoncounties.org

AGENDA



ASSOCIATION OF
OREGON COUNTIES
EST 1906

2.4	Public Safety and Veterans - Committee report (INFORMATION)	5 mins	Co-Chair DeBone, Co-Chair King
2.5	Transportation & Community Development - Committee report (INFORMATION)	5 mins	Co-Chair Dorran, Co-Chair Wyse
3.	AFFILIATE MEMBER REPORTS	2:50 5 mins	President Erin Skaar
3.1	OSACA (Assessors)		Assessor Scot Langton Assessor Mary Vuksich-Shafer
3.2	OACC (Clerks)		County Clerk Julie Brecke
3.3	NACA (County Administrators)		Nick Lelack Steve Mokrohisky
3.4	ODAA (District Attorneys)		District Attorney Paige Clarkson
3.5	OACES (Engineers & Surveyors)		Chris Doty
3.6	OJPA (Justices of the Peace)		Judge John Harvey
3.7	OSSA (Sheriffs)		Sheriff Mark Garton
3.8	OACTC (Tax Collectors)		Rick Vaughn
3.9	OACTFO (Treasurers & Finance Officers)		Treasurer Brian Nava Tara Williams
4.	OTHER BUSINESS	2:55 5 mins	President Erin Skaar
5.	ADJOURN	3:00	President Erin Skaar

AOC Legislative Committee

Officers

President **Erin Skaar**, Tillamook
First Vice President **Joe Dabulskis**, Sherman
Second Vice President **Jeremy Gordon**, Polk
Treasurer **Lianne Thompson**, Clatsop
Immediate Past President **John Shafer**, Umatilla

Past Presidents

Commissioner **Danielle Bethell**, Marion
Commissioner **Derrick DeGroot**, Klamath
Commissioner **Craig Pope**, Polk
Commissioner **Martha Schrader**, Clackamas

District Chairs

D1: Commissioner **Lisa Collier**, Willowa
Alternate: Commissioner **Christina Witham**, Baker County
D2: Commissioner **Patty Dorroh**, Harney
Alternate: **Patti Adair**, Deschutes
D3: Commissioner **Arthur Babitz**, Hood River
Alternate: **Scott Hege**, Wasco
D4: Commissioner **John Sweet**, Coos
Alternate: Commissioner **Rod Taylor**, Coos
D5: Commissioner **Will Tucker**, Linn
Alternate: Commissioner **Gabe Shepherd**, Benton
D6: Commissioner **Kit Johnston**, Yamhill
Alternate: Commissioner **Danielle Bethell**, Marion
D7: Commissioner **Paul Fournier**, Tillamook
Alternate: Commissioner **Kellie Jo Smith**, Columbia
D8: Commissioner **Julia Brim-Edwards**, Multnomah
Alternate: Commissioner **Ben West**, Clackamas

District Delegate

D1: Commissioner **Cindy Timmons**, Umatilla
D2: Commissioner **Kelly Simmelink**, Jefferson
D3: Commissioner **Scott Hege**, Wasco
D4: Commissioner **Tom Kress**, Douglas
D5: Commissioner **Heather Buch**, Lane
D6: Commissioner **Lyle Mordhorst**, Polk
D7: Commissioner **Margaret Magruder**, Columbia
D8: Commissioner **Pam Treece**, Washington

Members-at-Large

Commissioner **Matt Scarfo**, Union
Commissioner **Andy Nichols**, Klamath
Commissioner, **Gus Peterson**, Morrow
Commissioner, **Lyle Mordhorst**, Polk
Commissioner, **Walter Chuck**, Lincoln
Commissioner **Paul Savas**, Clackamas

NACo Representatives

Commissioner **Martha Schrader**, Clackamas
Commissioner **John Shafer**, Umatilla

WIR Representatives

Pending adoption by the Board of Directors

Commissioner **Paul Anderes**, Union
Commissioner **Kevin Cameron**, Marion

Counties with Population of 250,000 or More

Commissioner **Ben West**, Clackamas
Commissioner **Pat Farr**, Lane
Commissioner **Colm Willis**, Marion
Commissioner **Megan Moyer**, Multnomah
Chair **Kathryn Harrington**, Washington

Counties not Otherwise Represented

Commissioner **Susan Hermreck**, Crook*
Commissioner **Leah Watkins**, Gilliam
Commissioner **Jim Mendiola**, Malheur*
Judge **Lynn Morley**, Wheeler*

Steering Committee Co-Chairs

Governance, Revenue, and Economic Development

Commissioner **Casey Garrett**, Columbia
Commissioner **Gabe Shepherd**, Benton

Health and Human Services

Commissioner **Lisa Collier**, Willowa
Commissioner **Nafisa Fai**, Washington

Natural Resources

Commissioner **Scott Hege**, Wasco
Commissioner **Craig Pope**, Polk

Public Safety and Veterans

Commissioner **Tony DeBone**, Deschutes
Commissioner **Bubba King**, Yamhill

Transportation and Community Development

Commissioner **Dan Dorran**, Umatilla
Commissioner **Nancy Wyse**, Benton

AOC Affiliate Organizations Representatives:

OSACA (Assessors): **Scot Langton**, Deschutes
OSACA Alternate: **Mary Vuksich-Shafer**, Lane
OACC (Clerks): **Julie Brecke**, Coos
NACA (County Administrators): **Nick Lelack**, Deschutes
NACA Alternate: **Steve Mokrohisky**, Lane
OACES (Engineers & Surveyors): **Chris Doty**, Deschutes
OJPA (Justices of the Peace): **John Harvey**, Hood River
OSSA (Sheriffs): **Mark Garton**, Polk
OACTC (Tax Collectors): **Rick Vaughn**, Klamath
OACTFO (Treasurers): **Brian Nava**, Clackamas
OACTFO Alternate: **Tara Williams**, Yamhill
ODAA (District Attorneys): **Paige Clarkson**, Marion

Association of Oregon Counties (AOC) Legislative Committee Meeting

Monday, October 13, 2025

MEETING MINUTES

Voting members in attendance when called to order: Commissioner Patti Adair (Deschutes), Chair Shane Alderson (Baker), Commissioner Arthur Babitz (Hood River), Commissioner Danielle Bethell (Marion), Commissioner Phil Brady (Wasco), Judge Joe Dabulskis (Sherman), Commissioner Derrick DeGroot (Klamath), Commissioner Patty Dorroh (Harney), Commissioner Casey Garrett (Columbia), Chair Kathryn Harrington (Washington), Commissioner Scott Hege (Wasco), Commissioner John Hillock (Wallowa), Commissioner Tom Kress (Douglas), Commissioner Margaret Magruder (Columbia), Commissioner Lyle Mordhorst (Polk), Commissioner Matt Scarfo (Union), Commissioner Martha Schrader (Clackamas), Commissioner John Shafer (Umatilla), Commissioner Kelly Simmelink (Jefferson), Commissioner Erin Skaar (Tillamook), Commissioner Mary Starrett (Yamhill), Commissioner John Sweet (Coos), Commissioner Lianne Thompson (Clatsop), Commissioner Cindy Timmons (Umatilla), Commissioner Pam Treece (Washington), and Commissioner James Williams (Lake).

President John Shafer called the Legislative Committee meeting to order at 2:30 p.m. and asked Joe Casey to do a roll call of the AOC Legislative Committee. A quorum of the voting members of the AOC Legislative Committee was established.

President John Shafer provided an update on his presidential initiative, issuing a final challenge for members to prepare reflections on their year-long experiences to share at the upcoming AOC Annual Conference, held November 18–20 in Eugene. He highlighted that the conference will feature a general session panel focused on the partnerships essential for Local Mental Health Authorities to improve resident outcomes and county government efficiency. President Shafer noted that this panel will serve as the culmination of his initiative, showcasing the collaborative learning and progress made by the association throughout his term.

President John Shafer asked AOC Legislative Director Mallorie Roberts if there were new items or additions to the agenda. The agenda as presented was current.

Agenda Approval

Commissioner Lianne Thompson motioned to approve the agenda as presented. Commissioner Scott Hege seconded the motion. Motion carried.

Consent Agenda

Commissioner Scott Hege motioned to approve the consent agenda which included the minutes of the July 7, 2025, meeting. Commissioner Lianne Thompson seconded the motion. Motion carried.

Show and Tell

Rural Development Initiatives Networks and Engagement Manager Kendra Schaeffer presented an overview of the Rural Visibility Project, which aims to create a dialogue between local, state, and regional leaders through the lens of rural communities.

Legislative Director Update

AOC Legislative Affairs Director Mallorie Roberts provided an update regarding the association's recent interim activities, including Steering Committee progress and insights from fall district meetings. She transitioned into a high-level preview of the upcoming 2026 short session, focusing on the legislative process and the state's current fiscal landscape. This included a summary of significant state budget impacts resulting from federal policy changes, specifically regarding revenue shifts and modifications to major federal programs. Roberts also discussed the legislative strategy for rebalancing the budget through agency reductions and revenue considerations. Finally, she outlined AOC's strategic focus on protecting county interests, coordinating unified messaging on service impacts, and preparing for final strategy sessions in January.

Governance, Revenue, and Economic Development Steering Committee Report

Governance, Revenue and Economic Development Co-Chair Casey Garrett reported on the Governance and Revenue Steering Committee's recent virtual meeting. The committee reviewed three legislative updates regarding policy efforts expected to carry over to the 2026 session, including local transient lodging tax reform, modernization of CAFFA funding, and Oregon Government Ethics Commission (OGEC) issues. Additionally, the committee received updates on the rulemaking and implementation of laws passed during the 2025 session, specifically concerning unemployment insurance for striking workers, prevailing wage laws for offsite manufacturing, and alignment with the Tyler v. Hennepin ruling. The committee did not have any action items on the agenda and provided no recommendations for consideration by the Legislative Committee

Health and Human Services Steering Committee

Health and Human Services Co-Chair Phil Brady reported on the Health and Human Services Steering Committee's recent virtual meeting. The committee received a presentation on expanding childcare capacity and was briefed on the Alcohol and Drug Policy Commission, the Opioid Settlement Board, and the current status of negotiations for the new county financial

assistance agreement (CFAA) for behavioral health. Additionally, the committee heard updates from partner organizations and AOC staff regarding policy work and 2026 short session priorities. The committee took action to recommend that AOC coordinate information sharing among counties during CFAA negotiations to preserve local continuums of care. Commissioner Danielle Bethell and Commissioner Lianne Thompson who had made the motion during the Health and Human Services Steering Committee requested that the Legislative Committee not take action to support the recommendation of the steering committee. Discussion regarding the CFAA negotiations ensued, and a request was made to hold a special meeting of the AOC membership at a later date to discuss the CFAA negotiations.

Natural Resources Steering Committee Report

Natural Resources Co-Chair Scott Hege provided a summary of the Natural Resources Steering Committee's meeting, which focused on three informational items. The committee received a 2025 wildfire season recap from the Oregon Department of Forestry and the Oregon Department of the State Fire Marshal, who also discussed the positive impact of funding passed during the 2025 session. Additionally, the committee heard a presentation from Oregonians for Flood Plain Protection regarding the draft environmental impacts analysis and proposed changes to FEMA flood insurance rules. Finally, the Water Resources Department provided an overview of their 2025 budget, the implementation of recently passed legislation, and their priorities for the 2026 session. The committee did not take any action for consideration by the Legislative Committee.

Public Safety and Veterans Steering Committee Report

Public Safety and Veterans Co-Chair Co-Chair Jeremy Gordon reported on the Public Safety and Veterans Steering Committee's meeting, which included three informational updates. Commissioner Tony DeBone provided a detailed report on the Statewide Interoperability Executive Council's recent activities. The committee also heard from Tim Svenson of the Oregon State Sheriffs' Association regarding the Oregon Marine Board's grant program and the specific impacts of federal funding on county operations. Additionally, AOC staff member Tim Dooley presented an interim report on the committee's portfolio and a preview of the 2026 session, highlighting the need to defend and advance county priorities amidst state budget challenges. The committee did not take any action for consideration by the Legislative Committee.

Transportation and Community Development Steering Committee Report

AOC President John Shafer reported on the Transportation and Community Development (TCD) Steering Committee's recent meeting. The committee focused on three primary informational updates from state agency partners and staff. The Department of Land Conservation and Development (DLCD) provided an overview of recently passed housing and land use legislation, followed by a detailed presentation from Oregon Housing and Community Services (OHCS) regarding the Middle Income Revolving Loan (MIRL) program. Finally, the committee reviewed state and federal transportation policy, noting that AOC and the Oregon

Association of County Engineers and Surveyors (OACES) are currently coordinating with national partners to provide comments on the reauthorization of the federal surface transportation program. The committee had no action items for consideration by the Legislative Committee.

Regional Solutions Update

Regional Solutions Director Amelia Porterfield from Regional Solutions provided an update on several key state and federal issues. She thanked the committee for their engagement in summer transportation discussions and confirmed that the 50/30/20 funding split for county roads has been maintained. Regarding state fiscal matters, she reported that agencies have been directed to develop a menu of 5% budget cut options in 2.5% increments for the legislature to consider during the February rebalancing session. Porterfield also addressed the potential federal shutdown, noting that the state is tracking program impacts and encouraged counties to coordinate with Regional Solutions if issues arise. Finally, she announced a staffing change, introducing Tyler Andrews as the new Regional Solutions assistant.

Affiliate Member Reports

OSACA – No report

OACC – No report

NACA – No report

ODAA – No report

OACES – No report

OJPA – No report

OSSA – No report

OACTC - No report

OACTFO – No report

Other Business

Seeing no other business President John Shafer adjourned the Legislative Committee at 3:45 p.m.

Association of Oregon Counties (AOC) Policy Principles

LEGISLATIVE COMMITTEE

The following guiding principles guide AOC policy and priorities for responsive, effective, and efficiently delivered vital public services:

1. Commitment to state-county partnership.
 - a. Recognition of the pivotal role counties play in delivering essential public services to all Oregonians.
 - b. Allocating funding directly to local governments allows for the money to be spent more efficiently and increases transparency and accountability.
2. No responsibility without authority and resources; no unfunded mandates.
3. Flexibility in revenue raising ability.
4. Flexibility in utilizing state and federal dollars – may require waivers – with accountability.
 - a. Discretionary dollars are the highest priority.
5. Local control.
6. Seek to uphold previous agreements made with AOC and counties, for the benefit of counties, including but not limited to agreements entered with the:
 - a. Oregon Legislative Assembly
 - b. Governor of Oregon
 - c. State of Oregon agencies
 - d. United States government
7. Work effectively with other governments, including tribal governments.
8. Preservation of local communities.

With these principles firmly set, the Association of Oregon Counties will work to ensure that the fiscal health of counties and the state is maintained while working to ensure that vital public services are not damaged.

UNITED COUNTIES. UNITED OREGON.

GOVERNANCE, REVENUE, AND ECONOMIC DEVELOPMENT

General Personnel Issues

1. AOC opposes proposals that will increase county personnel costs.

PERS Issues

1. AOC supports fair PERS retirement benefits for county employees at a stable, sustainable, affordable cost to county government.
2. AOC is opposed to proposals that:
 - a. Increase county costs.
 - b. Expand the definition of those eligible for police/fire benefits.
 - c. Expand opportunities for early retirement.

Prevailing Wages on Public Works Contracts

1. AOC is neutral regarding the requirement for prevailing wages on public works projects.
2. AOC supports clarity in laws and administrative rules regarding applicability of prevailing wages on public improvement projects.
3. AOC is opposed to all requirements that make it harder for counties to administer the provisions of the prevailing wage laws.
4. AOC is opposed to any provisions that would make counties the enforcement agent for prevailing wage laws.

Tax Policy Issues

1. There are significant distinctions among the financial situations of counties, and no single solution to address the challenges facing county finance. A policy proposal must positively address a fiscal challenge facing counties, while minimizing negative consequences to particular counties.
2. AOC supports tax policies that:
 - a. Are clear and understandable;
 - b. Provide adequate, stable revenue;
 - c. Are fair to county taxpayers;
 - d. Minimize preventable social, economic, and environmental costs; and
 - e. Have a rational linkage between the revenue sources and its dedicated function if revenue from a tax or fee is dedicated to a specific function.

Economic and Workforce Development

1. AOC supports enhanced county tools to stimulate economic development, such as enterprise zones, with maximum flexibility to recognize regional needs and differences.
 - a. Support incentives for business expansion, retention, and workforce recruitment, providing local choice, control, and flexibility.

2. Support adequate funding for economic development activities, including funding for both county and state programs.
3. AOC opposes proposals which may create duplicative programs that jeopardize the ability of current programs to perform their intended function.

Public Records

1. AOC supports the continued ability of local governments to recoup the actual cost of complying with public records requests.
2. AOC opposes provisions that increase the cost and administrative burden on counties without accompanying funding.
 - a. AOC opposes mandated public records request fee waivers
3. AOC supports greater clarity in public records law to ensure that requesters and public bodies utilize the same terms when negotiating fees.
4. AOC supports state funding and partnership toward public record modernization.
5. AOC supports county discretion when determining public interest for cost reduction purposes.

HEALTH AND HUMAN SERVICES

AOC will be more likely to support proposed legislation impacting county health and human services that reflects the following principles:

1. Flexibility in program design to meet local community needs and support local decision making mechanisms
2. Promote and strengthen the role of Local Public Health Authorities (LPHAs)
3. Promote and strengthen the role of Local Mental Health Authorities (LMHAs)
4. Strengthen the ability of local communities to adequately fund programs
5. Protect shared revenue agreements
6. Support efforts that increase access to care and not simply eligibility for care
7. Support stable revenue streams
8. Support strategies that increase efficiencies and reduce “red tape”
9. Empower counties with the tools to be nimble to respond to the health workforce crisis
10. Increase the provision of culturally relevant services to protected classes, language interpretation and translation services
11. Provide counties both good data and funding to analyze data

Behavioral Health

1. Strengthen the behavioral health system by better aligning and coordinating the efforts of multiple sectors including healthcare, housing, human services and the justice system. This includes funding strategies, service coordination, and

measures based on outcomes.

2. The scope of CMHP responsibilities in ORS 430 should be clearly delineated to allow accurate and reliable cost and liability projections
3. Liability risk shift to counties for services to mandated populations is an unfunded mandate
4. The scope of responsibility in County Financial Assistance Agreements should match the relevant Oregon Revised Statute
5. Invest in the development of the behavioral healthcare workforce
6. Ensure access to adequate state funding for services required in statute
7. Build out existing and new community-based secure residential facilities and appropriate step-down placements
8. Support M110 reforms to create a sustainable complete continuum of SUD prevention, treatment and recovery capacity that matches community need and is subject to the statutory planning and oversight of Local Mental Health Authorities

Public Health

1. Appropriately fund public health modernization, including specific investments in communicable disease and environmental health efforts
2. Invest in the development of the public health workforce

Health Care/CCOs

1. Provide access to affordable, quality health care to all – ensure that people have access to health insurance and to care providers throughout Oregon
2. Support the integration of physical and behavioral health to ensure the best client care
3. Promote person-centered planning around public health, mental health, primary care and alcohol and drug prevention, treatment and recovery
4. Enable older residents and persons with disabilities to receive services they need in the least restrictive environment
5. Reform the delivery and financing of health services in the jail system and allow access to Medicaid for certain services
6. Assure clients who are dual eligible (both Medicaid and Medicare) get the level of care to which they are entitled.

Local homelessness response coordination and housing

1. Support regional efforts to prevent and address homelessness and improve housing access; sharing success among counties is an effective means to help

- other counties identify ways to provide housing using resources efficiently.
2. Support state, federal, and other funding for local/regional homelessness response coordination.
 3. Support state, federal, and other funding for locally led housing and homeless response initiatives.
 4. Support equitable policies and investments that create more housing opportunities and break down barriers to housing for hardworking Oregon families, vulnerable populations, those who have historically struggled with housing access, and those with special needs, including behavioral health, seniors, veterans, children, communities of color, and people with physical, intellectual and developmental disabilities.
 5. Support policies that reduce harm and increase support to people who are currently unhoused.
 6. Support policies that affirm AOC's core service delivery principles, including local decision-making, community-based, outcome-based services that are integrated and collaborative, and whole-person/family oriented.
 7. Encourage investment in subsidized housing for our vulnerable populations and ensure land use laws facilitate housing opportunities for our most vulnerable residents.

Service Delivery System

The comprehensive health and human services systems provided jointly by federal, state, county and local partnerships should incorporate the following characteristics:

- Strong Partnerships – Pursue and provide opportunities for connecting federal, tribal, state and local government efforts. Align governmental services with local non-profit, business community, faith based and other community organization efforts. Establish close relationships with the Oregon Department of Human Services and the Oregon Health Authority. Redefine our relationship with ODHS and OHA to give more autonomy to the counties and recognize the pivotal role counties play in delivering health and human services.
- Community Based – Provision of services that are flexible to meet local community needs.
- Health Equity – Identifying and facilitating appropriate responses to the causes of racial and ethnic disparities in the health, human services and housing systems is essential to reducing and ultimately eradicating them, thus fostering public trust and promoting health and well-being.
- Integrated and Collaborative – Promotion of services that integrate the work and efforts of all sectors of our communities: faith and/or neighborhood-based, non-profit, education, healthcare, housing, criminal justice, federal and state-operated services.

- Person/Family Driven – Services should focus on meeting the unique needs of the individual being served and promote the well-being of the entire family.
- Prevention Oriented – While promoting a comprehensive continuum of services, promoting early preventive services can reduce the impact of escalating problems and reduce the costs associated with more intensive and costly interventions.
- Outcome Based – Promote effective or “evidence-based” practices and open opportunities to promote community-based ideas that have measurable positive results.
- Open Communication – Perform committee business in an open and forthcoming manner; conduct meetings with frequency and regularity to ensure access and attendance.

NATURAL RESOURCES

State Agency Partnership

AOC will facilitate meaningful partnerships between counties and Natural Resource state agencies. AOC will advocate for adequate funding for fundamental agency functions and sufficient staff and capacity to deliver and support state/county shared public services.

Energy Policy

- Land Management
 - Counties will work to ensure local control legislatively for energy use and generation within their borders. This will allow for the generation of not only energy projects but also economic development to support a vibrant local economy.
 - Counties are equal partners in energy development and must have an active seat at the table in conversations that impact energy policy within counties boundaries.
 - Open, timely and meaningful participation including, but not limited to collaboration, cooperation, and coordination in energy development.
 - Protect and enhance investments and partnerships to help develop, improve, and maintain critical community infrastructure.
 - Work to ensure legislation does not needlessly contradict or undo current land use rules or goals unless it is a policy change that AOC supports.

- Funding
 - The state and Federal Government must allocate funding and resources to local governments for updating land use ordinances in counties that are undergoing the development of energy work.
 - Any new responsibilities or process impacting county planning departments are accompanied by adequate resources and capacity.

- Administrative
 - Gain and support formal relationships with state and federal agencies, tribal governments, fellow counties, and individuals with significant roles in establishing and implementing energy policy in the State.
 - Ensure components of proposed legislation are workable and implementable from a technical standpoint and county feedback is incorporated into final legislation.

State and Federal Land Management Principles

County government is uniquely positioned to provide leadership and facilitate resolution to the often intensely contentious issues arising out of land management policies and decisions both at the state level but also Federally. County governments have developed productive long-term relationships with government officials which include frequent discussions with local managers about management direction and on-the-ground activities, discussions with policymakers about the implications of active and proposed policies for the local landscape and communities and sharing of resources resulting from management activities.

AOC supports land management policies that permit and encourage:

- An economically viable, sustainable and predictable supply of natural resource products harvested from state and federal lands – including timber, grazing and mining – that generate revenues to support a vibrant local economy and important county services.
- Active and adaptive management and protection of watersheds, habitat, forests and rangelands, which will sustain healthy and productive ecosystems over the long-term and will recognize the integral role humans play on the landscape.
- Site specific management: i.e., solar/wind siting, prescribed burns, forest and watershed restoration, etc.
- Counties are equal partners in land management and must have a seat at the table in conversations that impact Natural Resource Lands within county boundaries – including but not limited to work being done by the Natural Resources Agencies in Oregon and the Federal Government.
- Flexibility based on the rapidly increasing knowledge of natural processes.

- Measures to significantly reduce the potential for catastrophic fires and other catastrophic events, such as those caused by uncontrolled insect infestations and spread of noxious weeds.
- Open, timely and meaningful participation including, but not limited to, collaboration, cooperation, and coordination as required by federal law in land planning activities.
- Management plans and policies that recognize and support social and economic values as well as ecological values.
- Restriction of any new special designation lands that do not support multiple use, sustained yield principle, or restrict access.
- Protection, through employment opportunities and other means, for counties and communities dependent on land resources; and
- Appropriate investments for restoration and other management activities.

Water Policy Principles

- Land Management
 - Ensure a sustainable, clean, and adequate water supply for current and future residents, agriculture, other industries and the natural environment in a way that reduces waste and encourages and incentivizes conservation
- Data Collection
 - OWRD should work with counties to conduct groundwater studies and water quality studies
 - The state should work with counties to identify Water Quality issues in watersheds throughout the state (high temperatures, low oxygen levels, insufficient flows, etc.).
- Water Storage / Habitat Management
 - Prioritize and pursue nonstructural storage projects (groundwater recharge as an example)
 - Pursue built storage projects to address specific instream and out-of-stream water supply deficits
 - Designated storage for wildfire impacted areas.
- Administrative
 - Gain and support a formal relationship with agencies and individuals with significant roles in establishing and implementing water policy in the state.
- Funding
 - Urge the legislature to appropriate significant state funding and to set guidelines under which the department must expend those funds.

Wildfire Policy Principles

AOC has continually engaged in the development of comprehensive wildfire policies. AOC has always focused on thoughtful, effective, and regionally tailored solutions to wildfire mitigation,

suppression, and recovery. AOC will continue to focus on solutions to wildfire issues by addressing:

- Funding
 - The state must provide authority, resources, and capacity to counties to implement land use changes related to wildfire preparation, mitigation, and defense, DLCD wildfire recommendations, land use changes related to wildfire preparation, or fire suppression challenges faced during the '23-'25 biennium.
- Strengthen Mitigation and Resiliency Efforts:
 - Work to establish treatment projects designed to reduce wildfire fuels on public or private forestlands and rangelands. This could include activities such as defensible space around structures, thinning, burned timber harvesting, targeted grazing of lands, Noxious Weed prevention to name a few. The state should provide designated funding to communities to support this work.
- Prepare Oregonians for Future Fire Seasons:
 - The State should administer a community risk reduction program with an emphasis on education to prepare communities for future wildfire seasons.
- Rebuild and Recover Our Impacted Communities:
 - The legislature must focus and prioritize funding for the restoration of burned habitat, burned salvage harvesting, reforestation, and the assisting of communities in rebuilding, recovering, and getting Oregonians back on their feet and in their homes.

Wildlife Policy

- Counties must be represented at the table for conversations around predator and predatory animals as they are the entities that statutorily provide public safety and public health within their borders.
- Counties must continue receiving the funding they need to carry out programs they are responsible for; this includes but is not limited to: Wolf Depredation Funding, Wildlife Services, Vector Control, etc.
- Counties must gain and support formal relationships with agencies and individuals with significant roles in establishing and implementing wildlife policy in the state.

PUBLIC SAFETY AND VETERANS

- State-County partnerships must be supported by immediate and sustained full cost funding and be developed and maintained in a collaborative and cooperative manner.
- Support increasing state investments in district attorney salaries and address the widening pay gap between elected District Attorneys.

- Support and pursue policies that create balance and equity in recruitment and retention of District Attorneys and public defenders.
- Strengthen tools the justice system can use to fight illegal drug sales and motivate people cited for possessing illegal substances to comply with legal obligations and seek addiction treatment.
- Advocate for a balanced and equitably funded criminal justice system that:
 - Prioritizes reducing violent crimes against people;
 - Prioritizes services to crime victims;
 - Approaches behavioral health and substance abuse problems with treatment rather than punishment; and
 - Ensures adequate providers for sex offender and other treatment services in the juvenile and adult systems.
- Advocate for policies that promote successful re-entry and reduce recidivism.
- Advocate for approaches to managing drug abuse and crime intervention programs that are cost effective and backed by sound evidence.
- Advocate for state funded collection and analysis of pertinent data so major shifts in criminal justice policy can be evaluated.
- Advocate for effective coordination among emergency management agencies, and for state investments to improve local governments' capacity to conduct emergency management and disaster response operations.
- Identify and facilitate appropriate responses to the causes of racial and ethnic disparities in the justice system is essential to reducing and ultimately eradicating them, thus fostering public trust and promoting public safety.

Medical Examiner System Reform

- Advocate for full funding of a medical examiner system which retains county authority.
- Support workforce incentives to recruit and retain medical examiner staff in Oregon.
- Support regionalization of the medical examiner system in a way that supports counties equitably across the state.
- Support additional state resources to expand medical examiner facilities across the state.

Veterans

- Support policies which protect Oregon veterans from predatory practices.
- Advocate for robust funding for county and tribal veteran services offices.

TRANSPORTATION AND COMMUNITY DEVELOPMENT

Transportation

- A. Advocate for the enhancement of county roads, streets, highways and bridges as essential components of our communities, providing for the critical movement of goods and services.
- B. Support increased funding for the maintenance and preservation of our transportation system in order to safeguard the investment in our existing infrastructure.
- C. Support the needs of Oregon's high growth counties, who have needs unique to growth issues and tend to be higher-cost modernization and capacity-projects beyond the means of today's primary revenue source, the gas tax.
- D. Continue to advocate on behalf of low-growth and timber-dependent counties that face critical system needs their reduced revenues are no longer able to meet.
- E. The state should immediately address the shortfalls and protect the sanctity of the State Highway Fund and existing distribution formula, while continually searching for new revenue to address other modes.
- F. Maintain the 50/30/20 formula for allocation of statewide highway trust fund revenues among ODOT, counties, and cities.
- G. Protect, enhance, and modernize current revenue sources – electric vehicle fees, gas tax, motor carrier fees, DMV fees, road user fees.
- H. Prioritize investments in safety and in the maintenance, rehabilitation, and operations of existing transportation facilities across the shared transportation system.
- I. Increase the small county allotment commensurate to the overall increase to the State Highway Fund, with a focus on the seven HUD-designated tourism counties.
- J. Expand local options for counties to raise revenue, lift current preemptions, and refrain from imposing new preemptions.
- K. Sustainably and incrementally address the highway cost allocation imbalance responsibility that users should pay in proportion to the road costs for which they are responsible without lowering overall State Highway Fund revenue available to local governments.
- L. Support rural transit statewide and ensure the benefit of expanded resources and services are seen locally.
- M. Build trust with local governments and the public through increased financial and operational transparency and partnership with ODOT.
- N. In recognition of the need to maintain public trust and accountability, support progress on the projects the legislature committed to funding as part of the 2017 transportation funding package while assuring no significant impacts to the overall distribution of State Highway Fund revenues that support county road departments.

Community Development

- A. Advocate for policies that increase the supply of all types of housing, including affordable housing, workforce housing, subsidized housing, emergency shelter, transitional housing, permanent supportive housing, manufactured home park development, farmworker housing, and the use of campgrounds as temporary housing for people impacted by the housing crisis.
- B. Empower local governments to ensure adequate buildable land is available for housing construction, and to plan for needed housing, through processes that are workable and realistic given extremely constrained local government capacity.
- C. Protect and enhance local control within the land use system to allow for individual community and regional differences.
- D. Protect and enhance counties' tools that support local infrastructure, such as Systems Development Charges (SDCs), and protect local control over which tools communities can use.
- E. Protect and enhance state investments and partnerships to provide communities with technical assistance to understand local housing needs, get land ready for housing development, and process building permits faster.
- F. Protect and enhance state investments and partnerships to help develop, improve, and maintain critical community infrastructure.
- G. Advocate for development of innovative construction materials, construction methods, and housing models that might help address housing shortages faster.
- H. Advocate for responsible solid waste and recycling management.
- I. Ensure counties and cities of all sizes are considered in statewide policy discussions and solutions to address the housing crisis.
- J. Support policies that promote efficient expansion of broadband infrastructure and high-speed internet access to all regions and communities. Advocate for streamlined access to state and federal funding and encourage maximum flexibility for use of funds according to local/regional priorities and needs.

2026 Session Deadlines Calendar

JANUARY						
S	M	T	W	Th	F	S
				1 New Years Day	2	3
4	5	6	7	8	9 LC Return Deadline	10
11	12	13 Leg Days	14 Leg Days	15 Leg Days	16 LC Drop Deadline (5:00PM)	17
18	19 MLK Day	20	21	22	23	24
25	26	27	28	29	30	31

FEBRUARY						
S	M	T	W	Th	F	S
1	2 Session Convenes	3	4 Revenue Forecast	5	6	7
8	9 Post Work Session Deadline	10	11	12	13	14
15	16 1st Chamber Deadline	17	18	19	20 Post Work Session Deadline	21
22	23	24	25	26 2nd Chamber Deadline	27	28

MARCH						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10 Filing Day	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Leg. Days
State Holiday
Leg. Counsel Deadlines
Session Deadlines
House & Senate Floor Sessions
Important Election Date

Leg. Counsel Deadlines Deadlines for bills to be returned by LC and introduced (after these deadlines only measures from the Sen. President, House Rules, and JWM Committee may be introduced)

Session Deadlines Deadlines for bills to be posted for work sessions, then voted out of policy committees in the first and second chambers.
Does not apply to House Rules, Senate Rules, House Revenue, Senate Finance and Revenue, or Joint Committees including JWM.

House & Senate Floor Sessions Senate and House floor sessions on all weekdays. Additional floor sessions will be announced by the Senate President or House Speaker as necessary.

MEMO



ASSOCIATION OF
OREGON COUNTIES
EST 1906

DATE: January 12, 2026
TO: AOC Legislative Committee
FROM: Natural Resources Steering Committee
STAFF: Branden Pursinger, AOC Legislative Affairs Manager
SUBJECT: LC 81 – Farm Stands

RECOMMENDATION

Approve the recommendation of the AOC Natural Resources Steering Committee regarding LC 81.

SUMMARY

In 2025 Legislative session, Representative Helm and Owens formed a Legislative Work Group around HB 3133. This workgroup attempted to seek mutual agreement around revisions to the Farm Stand statutes. Participants included: Governor’s Office, DLCD, Oregon Dept. of Ag., AOC, OPOA, OFB, Friends of Family Farmers, 1000 Friends of Oregon, Oregon Agricultural Trust, a Yamhill Citizen, and the Oregon Winegrowers Association. It was led by the House Agriculture, Land Use, Natural Resources and Water Committee Co-Chairs -Representatives Ken Helm (D-Beaverton) and Mark Owens (R-Crane).

This workgroup was unable to find a solution and as such, Representatives Helm and Owens asked DLCD to attempt changes through the rulemaking process. DLCD formed the Farm Stand RAC (which included 20 different organizations [County Planning Departments included]), however after significant push back from Oregonians, the Governor placed the RAC on indefinite pause. During the pause, Oregon Property Owners Association (as the organization that brought HB 3133 forward) approached Representatives Helm and Owens about continuing the conversation and asked if they could develop a concept in coordination with Oregon Counties. AOC staff and four County Planners from different geographic regions met a series of times to see if, from the Regulator-Regulatee perspective, changes could be made to existing processes. After those meetings concluded, AOC and OPOA worked on draft language to bring to all County Planning Directors to see if the proposed language would help alleviate their frustrations with existing practices. The purpose was for these changes to ease the requirements of the County Planning Departments while also making clear what the requirements are for farmers that wished to have farm stands. County Planning Directors reviewed the language and provided “technical feedback.” That language was then provided to the Executive Branch for review and a series of meetings have occurred with: The Governors Office, Oregon Department of Agriculture, and Oregon Department of Land, Conservation and Development. Those meetings culminated in language being provided to Legislative Counsel for drafting ahead of the 2026 session.

LC 81 is attempting to amend ORS 215.213 1(o) and ORS 215.283 1(r) – replacing the current farm stand rules and establishing new provisions for how a farm stand can be permitted on EFU Zones while preserving working agricultural lands.

LC 81 will be sponsored by Representative Vikki Breese-Iverson (HD 59).

LC 81:

- 1) A farmer is permitted a farm stand / farm store if:
 - a. The Farm Store is used for the sale of farm products produced on said farm; AND one or more of the following options
 - i. Said Farms processed products
 - ii. Farm products or processed products from other farms in local agricultural area
 - iii. Retail items sold in are not to exceed 25% of the total area of the structure
 - iv. Sale of beverages and prepared food items cooked or made of immediate consumption
 - v. Agri-Tourism activities described below.
 - b. The structure cannot be larger than 5000 square feet (new) or existing structure no larger than 10,000 square feet.
 - c. Requirement of Farm Land that must remain in Farm Use:
 - i. 80+ acres – 45 acres(+) must remain in farm use.
 - ii. 41-80 acres = 25 acres(+) must remain in farm use.
 - iii. 20-40 acres = 15 acres (+) must remain in farm use.
 - iv. -20 acres = 10 acres (+) must be used for farm use <OR> the farm store operates in conjunction with the farm operation earns at least \$40,000 in gross farm income in the preceding 2 years.
 - d. Local Government may impose siting standards for the farm stand / store related to:
 - i. Access, Egress, and Parking
 - ii. Traffic Management
 - iii. Noise Management
 - iv. Hours of Event Operations
 - v. Sanitation and Solid Waste Requirements
 - vi. Health, Safety and welfare of community (ORS. 215.253(2))
 - e. The siting standards adopted cannot have the effect of prohibiting the siting of a farm store or discouraging the use.
- 2) Agritourism Activities allowed under (1)(a)(v) above:
 - a. Farm Tours
 - b. Educational Exhibits or classes (field trips)
 - c. Crop Mazes
 - d. Play Structures
 - e. Farm-To-Table Meals
 - f. Animal Petting and Feeding Exhibits
 - g. Hay or Tractor Rides
 - h. Seasonal or Holiday Exhibits

- 3) Farm to Table Meals has the definition of fee based dining where food is grown at the farm or in agricultural area and is prepared and served to educate the public about agricultural production.

Things prohibited specifically:

- On Farm Dwellings
- On Farm Lodging

Past Positions of AOC:

- 2011, SB 960 was introduced at the request of AOC and OFB which created existing processes.

COUNTY NEXUS

Current Oregon Statute allows for a farm stand to be located on any area zoned for exclusive farm use if the structure is used for the sale of farm crops or livestock grown on the farm operation or in the local agricultural area, including the sale of retail incidental items and fee-based activities 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 activities that do not make up more than 25% of the total annual sales of the farm stand. Farm Stands do not include structures for banquets, public gatherings or public entertainment.

County Planning Departments are required to issue permits for Farm Stands, Agri-Tourism, and other activities of similar type on lands zoned EFU.

Under the current statute, Planning Departments are also required to audit and monitor the farm stand books to ensure the 25% rule is followed.

FISCAL IMPACT

The cost of implementing these new Farm Stand / Farm Store rules would not cause a fiscal impact on county budgets.

REVENUE IMPACT

Under LC 81, additional permitted farm stands / farm stores have the potential to increase the property tax revenue coming into the county.

“If the farm stand is incidental to the farming, then it would be included in the specially assessed farmland. But if it is more than incidental use, then it would be a non-farm area like other retail sales, public tasting rooms, etc. and would be assessed based on market value.”

TIMING

The bill will be included in the Pre-Session Filed bills for 2026 Legislative Short Session. Most likely will be referred to the House Agriculture, Land Use, Natural Resources, and Water Committee in the House for consideration.

ATTACHMENTS

- LC 81 as submitted to LC for drafting.

Digest: Allows farm stores on farmlands. (Flesch Readability Score: 100.0).

Allows counties to approve “farm stores” as nonfarm uses on lands zoned for farm use instead of formerly allowed “farm stands”.

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

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 activities” means activities that promote the farm operation, visitors to the farm store and the sale of farm store products that offer secondary commercial, entertaining, or educational purposes. 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 activities” do not include on-farm lodging or dwellings.

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

(c) “Farm use” has the meaning given to it in ORS 215.203(2)(a).

(d) “Local agricultural area” means Oregon or an adjacent county in Washington, Idaho, Nevada or California, that borders the Oregon county in which the farm store is located.

(e) “Processed agricultural product” refers to a farm crop or livestock 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 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 greater than 40 acres with at least 25 acres employed for farm use;
- (C) Not greater than 40 acres but greater than 20 acres with at least 15 acres employed for farm use;
- (D) Not greater than 20 acres if:

- (i) At least 10 acres are employed for farm use; or
- (ii) The farm store operates in conjunction with a farm operation that earned at least \$40,000 in gross farm income in the preceding two years;
- (b) The farm store is used for the sale of farm products produced by the farm operation; and
- (c) The use is not located in one or more permanent enclosed structures that:
 - (A) Total more than 5,000 square feet; or
 - (B) Existed prior to the adoption of this 2026 Act and total more than 10,000 square feet.

(3) In addition to the sale of farm products produced by the farm operation, a farm operator may use farm store structures for one or more of the following activities:

- (a) The sale of farm products and processed agricultural products produced by the farm operation or in the local agricultural area;
- (b) The sale of retail items, if displayed in an area not to exceed 25 percent of the 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 whether conducted inside the farm store structure or outside of the farm store structure on the tract described in subsection (2)(a) of this section.

(4) A farm store may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121. Food and beverage services authorized under subsection (3)(c) of this section may not utilize menu options or meal services that cause the farm store to function as a cafe or other dining establishment open to the public.

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

- (a) Access, egress and parking;
- (b) Traffic management;
- (c) Noise management;
- (d) Hours of event operation; and
- (e) Sanitation and solid waste.

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

SECTION 3. ORS 215.213 is amended to read:

NOTE: This section has an SA note.

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.]

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

(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.

(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:

NOTE: This section has an SA note.

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.]

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

(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.

(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:

NOTE: Leadline enacted as part of Ballot Measure 109 (2020). Review, compare to ORS section and amend as necessary for consistency. Do not omit except by amendment.

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

NOTE: This section has an SA note.

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)*] store, as described in section 2 of this 2026 Act, used in conjunction with a marijuana crop; and
- (c) 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.