

House Bill 3222

Sponsored by COMMITTEE ON LAND USE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates presumption that agricultural land under statewide planning goals is suitable for farm use if certain conditions are met.

A BILL FOR AN ACT

1
2 Relating to agricultural land; amending ORS 215.203.

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

4 **SECTION 1.** ORS 215.203 is amended to read:

5 215.203. (1) Zoning ordinances may be adopted to zone designated areas of land within the
6 county as exclusive farm use zones. Land within such zones shall be used exclusively for farm use
7 except as otherwise provided in ORS 215.213, 215.283 or 215.284. Farm use zones shall be established
8 only when such zoning is consistent with the comprehensive plan.

9 (2)(a) As used in this section, "farm use" means the current employment of land for the primary
10 purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding,
11 breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or
12 honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural
13 use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage
14 and disposal by marketing or otherwise of the products or by-products raised on such land for hu-
15 man or animal use. "Farm use" also includes the current employment of land for the primary pur-
16 pose of obtaining a profit in money by stabling or training equines including but not limited to
17 providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propa-
18 gation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under
19 the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules
20 adopted by the commission. "Farm use" includes the on-site construction and maintenance of
21 equipment and facilities used for the activities described in this subsection. "Farm use" does not
22 include the use of land subject to the provisions of ORS chapter 321, except land used exclusively
23 for growing cultured Christmas trees as defined in subsection (3) of this section or land described
24 in ORS 321.267 (3) or 321.824 (3).

25 (b) "Current employment" of land for farm use includes:

26 (A) Farmland, the operation or use of which is subject to any farm-related government program;

27 (B) Land lying fallow for one year as a normal and regular requirement of good agricultural
28 husbandry;

29 (C) Land planted in orchards or other perennials, other than land specified in subparagraph (D)
30 of this paragraph, prior to maturity;

31 (D) Land not in an exclusive farm use zone which has not been eligible for assessment at special

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

1 farm use value in the year prior to planting the current crop and has been planted in orchards,
 2 cultured Christmas trees or vineyards for at least three years;

3 (E) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically
 4 tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and
 5 which is not currently being used for any economic farm use;

6 (F) Except for land under a single family dwelling, land under buildings supporting accepted
 7 farm practices, including the processing facilities allowed by ORS 215.213 (1)(x) and 215.283 (1)(u)
 8 and the processing of farm crops into biofuel as commercial activities in conjunction with farm use
 9 under ORS 215.213 (2)(c) and 215.283 (2)(a);

10 (G) Water impoundments lying in or adjacent to and in common ownership with farm use land;

11 (H) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the
 12 owner of land specially valued for farm use even if the land constituting the woodlot is not utilized
 13 in conjunction with farm use;

14 (I) Land lying idle for no more than one year where the absence of farming activity is due to
 15 the illness of the farmer or member of the farmer’s immediate family. For purposes of this paragraph,
 16 illness includes injury or infirmity whether or not such illness results in death;

17 (J) Any land described under ORS 321.267 (3) or 321.824 (3);

18 (K) Land used for the primary purpose of obtaining a profit in money by breeding, raising,
 19 kenneling or training of greyhounds for racing; and

20 (L) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:

21 (i) Only the crops of the landowner are being processed;

22 (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm
 23 of the landowner; or

24 (iii) The landowner is custom processing crops into biofuel from other landowners in the area
 25 for their use or sale.

26 (c) As used in this subsection, “accepted farming practice” means a mode of operation that is
 27 common to farms of a similar nature, necessary for the operation of such farms to obtain a profit
 28 in money, and customarily utilized in conjunction with farm use.

29 (3) “Cultured Christmas trees” means trees:

30 (a) Grown on lands used exclusively for that purpose, capable of preparation by intensive culti-
 31 vation methods such as plowing or turning over the soil;

32 (b) Of a marketable species;

33 (c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as
 34 specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

35 (d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed
 36 and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and
 37 disease control, stump culture, soil cultivation, irrigation.

38 **(4)(a) Agricultural land described in Goal 3 of the statewide planning goals adopted under**
 39 **ORS 197.230 is presumed suitable for farm use under this section if the agricultural land has**
 40 **any history of:**

41 **(A) Raising, harvesting and selling of crops;**

42 **(B) Breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing**
 43 **animals or honeybees;**

44 **(C) Dairying and the sale of dairy products; or**

45 **(D) Any other agricultural or horticultural use or animal husbandry or any combination**

1 **thereof.**

2 **(b) Profitability or gross farm income may not be considered for the purpose of creating**
3 **a presumption that agricultural land is suitable for farm use.**

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