

**A-Engrossed**  
**Senate Bill 1036**

Ordered by the House February 18  
Including House Amendments dated February 18

Sponsored by Senator FERRIOLI; Senators ATKINSON, BOQUIST, GIROD, KRUSE, MORSE, TELFER, WHITSETT, WINTERS, Representative WHISNANT (Presession filed.)

**SUMMARY**

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

Reauthorizes establishment of guest ranches on land zoned for exclusive farm use in eastern Oregon. Deems guest ranches established under sunsetted law to be conforming use under new authority for guest ranches.

**Sunsets January 2, 2012.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to guest ranches; and declaring an emergency.

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

4 **SECTION 1. Sections 2 and 3 of this 2010 Act are added to and made a part of ORS**  
5 **chapter 215.**

6 **SECTION 2. (1) As used in this section and section 3 of this 2010 Act:**

7 (a) "Guest lodging unit" means a guest room in a lodge, bunkhouse, cottage or cabin used  
8 only for transient overnight lodging and not for a permanent residence.

9 (b) "Guest ranch" means a facility for guest lodging units, passive recreational activities  
10 described in subsection (6) of this section and food services described in subsection (7) of this  
11 section that are incidental and accessory to an existing and continuing livestock operation  
12 that qualifies as a farm use.

13 (c) "Livestock" means cattle, sheep, horses and bison.

14 (2) Subject to the provisions of ORS 215.296 (1) and (2) and other approval or siting  
15 standards of a county, a guest ranch may be established in an area of eastern Oregon, as  
16 defined in ORS 321.805, that is zoned for exclusive farm use.

17 (3) The guest ranch must be located on a lawfully established unit of land that:

18 (a) Is at least 160 acres;

19 (b) Contains the dwelling of the individual conducting the livestock operation; and

20 (c) Is not high-value farmland, as defined in ORS 215.710.

21 (4) Except as provided in subsection (5) of this section, the guest lodging units of the  
22 guest ranch cumulatively must:

23 (a) Include not fewer than four nor more than 10 overnight guest lodging units; and

24 (b) Not exceed a total of 12,000 square feet in floor area, not counting the floor area of  
25 a lodge that is dedicated to kitchen area, rest rooms, storage or other shared or common  
26 indoor space.

**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 (5) For every increment of 160 acres that the lawfully established unit of land on which  
2 the guest ranch is located exceeds the minimum 160-acre requirement described in sub-  
3 section (3) of this section, up to five additional overnight guest lodging units not exceeding  
4 a total of 6,000 square feet of floor area may be included in the guest ranch for a total of  
5 not more than 25 guest lodging units and 30,000 square feet of floor area.

6 (6) A guest ranch may provide passive recreational activities that can be provided in  
7 conjunction with the livestock operation's natural setting including, but not limited to,  
8 hunting, fishing, hiking, biking, horseback riding, camping and swimming. A guest ranch may  
9 not provide intensively developed recreational facilities, including golf courses as identified  
10 in ORS 215.283.

11 (7) A guest ranch may provide food services only for guests of the guest ranch, individ-  
12 uals accompanying the guests and individuals attending a special event at the guest ranch.  
13 The cost of meals, if any, may be included in the fee to visit or stay at the guest ranch. A  
14 guest ranch may not sell individual meals to an individual who is not a guest of the guest  
15 ranch, an individual accompanying a guest or an individual attending a special event at the  
16 guest ranch.

17 **SECTION 3.** (1) Notwithstanding ORS 215.283, the governing body of a county or its  
18 designee may not allow a guest ranch in conjunction with:

19 (a) A campground as described in ORS 215.283 (2).

20 (b) A golf course as described in ORS 215.283 (2).

21 (2) Notwithstanding ORS 215.263, the governing body of a county or its designee may not  
22 approve a proposed division of land in an exclusive farm use zone for a guest ranch.

23 (3) The governing body of a county or its designee may not approve a proposed division  
24 of land that separates the guest ranch from the dwelling of the individual conducting the  
25 livestock operation.

26 **SECTION 4.** A guest ranch approved and established under section 1, chapter 728, Oregon  
27 Laws 1997, as amended by section 1, chapter 216, Oregon Laws 1999, section 2, chapter 467,  
28 Oregon Laws 2001, section 5, chapter 544, Oregon Laws 2001, section 1, chapter 147, Oregon  
29 Laws 2003, section 107, chapter 621, Oregon Laws 2003, and section 1, chapter 258, Oregon  
30 Laws 2005, and made nonconforming by repeal of chapter 728, Oregon Laws 1997, by section  
31 5, chapter 728, Oregon Laws 1997, as amended by section 3, chapter 467, Oregon Laws 2001,  
32 and section 3, chapter 258, Oregon Laws 2005, is deemed a conforming use under section 2  
33 of this 2010 Act on and after January 2, 2010.

34 **SECTION 5.** A county shall amend its land use regulations to conform to the require-  
35 ments of sections 2, 3 and 4 of this 2010 Act. Notwithstanding contrary provisions of state  
36 law or a county charter relating to public hearings on amendments to an ordinance, a county  
37 may adopt amendments to its land use regulations required by this section without holding  
38 a public hearing and without adopting findings if:

39 (1) The county has given notice to the Department of Land Conservation and Develop-  
40 ment of the proposed amendments in the manner provided by ORS 197.610; and

41 (2) The department has confirmed in writing that the only effect of the proposed  
42 amendments is to conform the county's land use regulations to the requirements of sections  
43 2, 3 and 4 of this 2010 Act.

44 **SECTION 6.** Sections 2, 3, 4 and 5 of this 2010 Act are repealed on January 2, 2012.

45 **SECTION 7.** This 2010 Act being necessary for the immediate preservation of the public

1 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**  
2 **on its passage.**

3

---