

Enrolled
Senate Bill 1036

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

CHAPTER

AN ACT

Relating to guest ranches; and declaring an emergency.

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

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

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

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

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

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

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

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

(a) Is at least 160 acres;

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

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

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

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

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

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

(6) A guest ranch may provide passive recreational activities that can be provided in conjunction with the livestock operation's natural setting including, but not limited to, hunting, fishing, hiking, biking, horseback riding, camping and swimming. A guest ranch may

not provide intensively developed recreational facilities, including golf courses as identified in ORS 215.283.

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

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

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

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

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

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

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

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

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

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

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

SECTION 7. This 2010 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect on its passage.

Passed by Senate February 12, 2010

Repassed by Senate February 24, 2010

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Secretary of Senate

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President of Senate

Passed by House February 22, 2010

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Speaker of House

Received by Governor:

.....M,....., 2010

Approved:

.....M,....., 2010

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Governor

Filed in Office of Secretary of State:

.....M,....., 2010

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Secretary of State