

# House Bill 3047

Sponsored by Representatives SCHAUFLER, WEIDNER, Senators MONROE, FERRIOLI

## 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**.

Expands definition of "farm use" to include facilities for training dogs in canine skills on land zoned for exclusive farm use.

## A BILL FOR AN ACT

1  
2 Relating to use of land zoned for exclusive farm use; amending ORS 215.203 and 308A.056.

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)(u) and 215.283 (1)(r)  
 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, **showing** or training [*of greyhounds for racing*] **dogs for racing or other canine skills**  
 20 **including, but not limited to, agility, obedience, tracking, lure coursing and herding;** and

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

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

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

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

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

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

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

33 (b) Of a marketable species;

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

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

39 **SECTION 2.** ORS 308A.056 is amended to read:

40 308A.056. (1) As used in ORS 308A.050 to 308A.128, “farm use” means the current employment  
 41 of land for the primary purpose of obtaining a profit in money by:

42 (a) Raising, harvesting and selling crops.

43 (b) Feeding, breeding, managing or selling livestock, poultry, fur-bearing animals or honeybees  
 44 or the produce thereof.

45 (c) Dairying and selling dairy products.

1 (d) Stabling or training equines, including but not limited to providing riding lessons, training  
 2 clinics and schooling shows.

3 (e) Propagating, cultivating, maintaining or harvesting aquatic species and bird and animal  
 4 species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission.

5 (f) On-site constructing and maintaining equipment and facilities used for the activities described  
 6 in this subsection.

7 (g) Preparing, storing or disposing of, by marketing or otherwise, the products or by-products  
 8 raised for human or animal use on land described in this section.

9 (h) Implementing a remediation plan previously presented to the assessor for the county in  
 10 which the land that is the subject of the plan is located.

11 (i) Using land described in this section for any other agricultural or horticultural use or animal  
 12 husbandry or any combination thereof.

13 (2) "Farm use" does not include the use of land subject to timber and forestland taxation under  
 14 ORS chapter 321, except land used exclusively for growing cultured Christmas trees or land de-  
 15 scribed in ORS 321.267 (3) or 321.824 (3) (relating to land used to grow certain hardwood timber,  
 16 including hybrid cottonwood).

17 (3) For purposes of this section, land is currently employed for farm use if the land is:

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

19 (b) Land lying fallow for one year as a normal and regular requirement of good agricultural  
 20 husbandry;

21 (c) Land planted in orchards or other perennials, other than land specified in paragraph (d) of  
 22 this subsection, prior to maturity;

23 (d) Land not in an exclusive farm use zone that has not been eligible for assessment at special  
 24 farm use value in the year prior to planting the current crop and has been planted in orchards,  
 25 cultured Christmas trees or vineyards for at least three years;

26 (e) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically  
 27 tillable nor grazeable, lying in or adjacent to and in common ownership with farm use land and that  
 28 is not currently being used for any economic farm use;

29 (f) Except for land under a single family dwelling, land under buildings supporting accepted  
 30 farming practices, including the processing facilities allowed by ORS 215.213 (1)(u) and 215.283 (1)(r)  
 31 and the processing of farm crops into biofuel as commercial activities in conjunction with farm use  
 32 under ORS 215.213 (2)(c) and 215.283 (2)(a);

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

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

37 (i) Land lying idle for no more than one year when the absence of farming activity is the result  
 38 of the illness of the farmer or a member of the farmer's immediate family, including injury or  
 39 infirmity, regardless of whether the illness results in death;

40 (j) Land described under ORS 321.267 (3) or 321.824 (3) (relating to land used to grow certain  
 41 hardwood timber, including hybrid cottonwood);

42 (k) Land used for the primary purpose of obtaining a profit in money by breeding, raising,  
 43 kenneling, **showing** or training [*greyhounds for racing*] **dogs for racing or other canine skills in-**  
 44 **cluding, but not limited to, agility, obedience, tracking, lure coursing and herding;**

45 (L) Land subject to a remediation plan previously presented to the assessor for the county in

- 1 which the land that is the subject of the plan is located; or
- 2 (m) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:
- 3 (i) Only the crops of the landowner are being processed;
- 4 (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm
- 5 of the landowner; or
- 6 (iii) The landowner is custom processing crops into biofuel from other landowners in the area
- 7 for their use or sale.
- 8 (4) As used in this section:
- 9 (a) "Accepted farming practice" means a mode of operation that is common to farms of a similar
- 10 nature, necessary for the operation of these similar farms to obtain a profit in money and custom-
- 11 arily utilized in conjunction with farm use.
- 12 (b) "Cultured Christmas trees" means trees:
- 13 (A) Grown on lands used exclusively for that purpose, capable of preparation by intensive cul-
- 14 tivation methods such as plowing or turning over the soil;
- 15 (B) Of a marketable species;
- 16 (C) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as
- 17 specified by the Agricultural Marketing Service of the United States Department of Agriculture; and
- 18 (D) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed
- 19 and brush control and one or more of the following practices:
- 20 (i) Basal pruning;
- 21 (ii) Fertilizing;
- 22 (iii) Insect and disease control;
- 23 (iv) Stump culture;
- 24 (v) Soil cultivation; or
- 25 (vi) Irrigation.
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