



Right to Farm in Oregon

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Oregon's Right to Farm Law

ORS 30.933

**Two major protection
components:**

- | Immunity from private action**
- | Prohibition against regulation
by local governments**

Oregon's Right to Farm Law

Qualifying Components

No farming or forest practice on lands zoned for farm or forest use shall give rise to any private right of action or claim for relief based on nuisance or trespass.

ORS 30.936(1)



Immunity: Qualification

“Definition of Farming Practice”

A mode of operation on a farm

Definition of *farm*:

Any facility, including the land, buildings, watercourses and appurtenances thereto, used in commercial production of crops, nursery stock, livestock, poultry products or the propagation and raising of nursery stock.

Immunity: Qualification

“Definition of Farming Practice”

A mode of operation on a farm that:

- (a) Is or may be used on a farm of similar nature;
- (b) Is a generally accepted, reasonable and prudent method for the operation of the farm to obtain a profit in money;
- (c) Is or may become a generally accepted, reasonable and prudent method in conjunction with farm use;
- (d) Complies with applicable laws; and
- (e) Is done in a reasonable and prudent manner.

ORS 30.930(2)

Immunity: Key Elements

“Definition of Farming Practice”

Includes the transport or movement of equipment, device, vehicle or livestock on a public road if the activities are conducted in a reasonable and prudent manner.



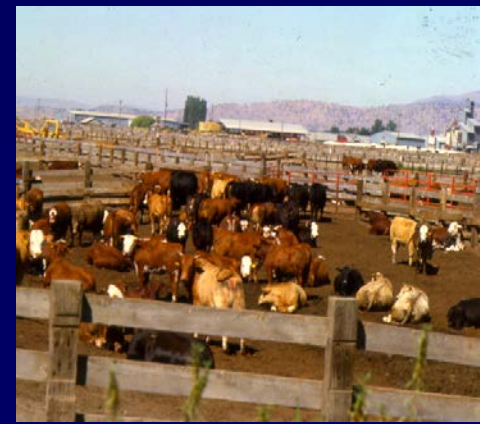
ORS 30.931

Immunity: Components

Definition of “Nuisance or Trespass”

Includes but is not limited to, actions or claims based on noise, vibration, odors, smoke, dust, mist from irrigation, use of pesticides and use of crop production substances.

ORS 30.932



Immunity: Components Location/Zoning

No farming or forest practice on lands zoned for farm or forest use shall give rise to any private right of action or claim for relief based on nuisance or trespass.

Immunity: Components

Location/Zoning

No farming or forest practice on lands zoned for farm or forest use ~~occurring outside an urban growth boundary~~ shall give rise to any private right of action or claim for relief based on nuisance or trespass.

Immunity: Components Application

Immunity provided if:

- (a) Consistent with definitions;**
- (b) Lands are zoned for farm or forest use;**
- (c) Complies with applicable laws**
- (c) Regardless of change or interruption of use.**

Except....

Immunity: Key Elements Application

**Immunity not provided if an
action or claim for relief
involves:**

- (a) Damage to commercial
agricultural products; or**
- (b) Death or serious injury.**

Local Ordinances

Any local government or special district ordinance or regulation now in effect or subsequently adopted that makes a farm practice a nuisance or trespass or provides for its abatement as a nuisance or trespass is invalid.

Applies to farm practices that would qualify for immunity under the law.

Right to Farm: Issues

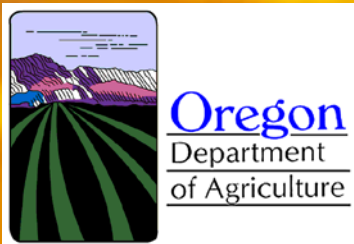
- | Does not prevent a suit from being filed.**
- | Farmer/rancher must defend = cost**
- | Legal costs: prevailing party shall be entitled to judgment for reasonable attorney fees and costs (ORS 30.938)**

Right to Farm: Issues

- | **Involves interpretation**
- | **By a Circuit Court**
- | **Legality**

RTF Does not...

- | Protect from off-site conflicts.**
- | Preclude a jurisdiction from regulating farm use from land use perspective.**
- | Recognize competing “primary” land uses in transitional/edge areas.**



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