

House Bill 2282

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of Revenue)

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**.

Changes certain requirement for meeting definition of "farm use" from disjunctive "feeding, breeding, managing or selling livestock, poultry, fur-bearing animals or honeybees or the produce thereof" to conjunctive "feeding, breeding, managing and selling livestock, poultry, fur-bearing animals or honeybees or the produce thereof."

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to definitions related to farm use; amending ORS 215.203 and 308A.056; and prescribing an
3 effective date.

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

5 **SECTION 1.** ORS 308A.056 is amended to read:

6 308A.056. (1) As used in ORS 308A.050 to 308A.128, "farm use" means the current employment
7 of land for the primary purpose of obtaining a profit in money by:

8 (a) Raising, harvesting and selling crops.

9 (b) Feeding, breeding, managing [*or*] **and** selling livestock, poultry, fur-bearing animals or
10 honeybees or the produce thereof.

11 (c) Dairying and selling dairy products.

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

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

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

18 (g) Preparing, storing or disposing of, by marketing, donation to a local food bank or school or
19 otherwise, the products or by-products raised for human or animal use on land described in this
20 section.

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

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

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

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

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 (a) Farmland, the operation or use of which is subject to any farm-related government program;
- 2 (b) Land lying fallow for one year as a normal and regular requirement of good agricultural
- 3 husbandry;
- 4 (c) Land planted in orchards or other perennials, other than land specified in paragraph (d) of
- 5 this subsection, prior to maturity;
- 6 (d) Land not in an exclusive farm use zone that has not been eligible for assessment at special
- 7 farm use value in the year prior to planting the current crop and has been planted in orchards,
- 8 cultured Christmas trees or vineyards for at least three years;
- 9 (e) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically
- 10 tillable nor grazeable, lying in or adjacent to and in common ownership with farm use land and that
- 11 is not currently being used for any economic farm use;
- 12 (f) Except for land under a single family dwelling, land under buildings supporting accepted
- 13 farming practices, including the processing facilities allowed by ORS 215.213 (1)(u) and 215.283 (1)(r)
- 14 and the processing of farm crops into biofuel as commercial activities in conjunction with farm use
- 15 under ORS 215.213 (2)(c) and 215.283 (2)(a);
- 16 (g) Water impoundments lying in or adjacent to and in common ownership with farm use land;
- 17 (h) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the
- 18 owner of land specially valued for farm use even if the land constituting the woodlot is not utilized
- 19 in conjunction with farm use;
- 20 (i) Land lying idle for no more than one year when the absence of farming activity is the result
- 21 of the illness of the farmer or a member of the farmer's immediate family, including injury or
- 22 infirmity, regardless of whether the illness results in death;
- 23 (j) Land described under ORS 321.267 (3) or 321.824 (3) (relating to land used to grow certain
- 24 hardwood timber, including hybrid cottonwood);
- 25 (k) Land subject to a remediation plan previously presented to the assessor for the county in
- 26 which the land that is the subject of the plan is located; or
- 27 (L) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:
- 28 (i) Only the crops of the landowner are being processed;
- 29 (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm
- 30 of the landowner; or
- 31 (iii) The landowner is custom processing crops [*into biofuel*] from other landowners in the area
- 32 **into biofuel** for [*their*] use or sale **by the other landowners**.
- 33 (4) As used in this section:
- 34 (a) "Accepted farming practice" means a mode of operation that is common to farms of a similar
- 35 nature, necessary for the operation of these similar farms to obtain a profit in money and custom-
- 36 arily utilized in conjunction with farm use.
- 37 (b) "Cultured Christmas trees" means trees:
- 38 (A) Grown on lands used exclusively for that purpose, capable of preparation by intensive cul-
- 39 tivation methods such as plowing or turning over the soil;
- 40 (B) Of a marketable species;
- 41 (C) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as
- 42 specified by the Agricultural Marketing Service of the United States Department of Agriculture; and
- 43 (D) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed
- 44 and brush control and one or more of the following practices:
- 45 (i) Basal pruning;

- 1 (ii) Fertilizing;
- 2 (iii) Insect and disease control;
- 3 (iv) Stump culture;
- 4 (v) Soil cultivation; or
- 5 (vi) Irrigation.

6 **SECTION 2.** ORS 215.203 is amended to read:

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

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

27 (b) “Current employment” of land for farm use includes:

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

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

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

33 (D) Land not in an exclusive farm use zone which has not been eligible for assessment at special
 34 farm use value in the year prior to planting the current crop and has been planted in orchards,
 35 cultured Christmas trees or vineyards for at least three years;

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

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

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

44 (H) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the
 45 owner of land specially valued for farm use even if the land constituting the woodlot is not utilized

1 in conjunction with farm use;

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

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

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

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

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

10 (iii) The landowner is custom processing crops [*into biofuel*] from other landowners in the area
11 **into biofuel** for [*their*] use or sale **by the other landowners**.

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

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

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

18 (b) Of a marketable species;

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

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

24 **SECTION 3. This 2017 Act takes effect on the 91st day after the date on which the 2017**
25 **regular session of the Seventy-ninth Legislative Assembly adjourns sine die.**

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