

HB 2573 A STAFF MEASURE SUMMARY

Carrier: Sen. Roblan

Senate Committee On Environment and Natural Resources

Action Date: 05/23/19
Action: Do pass the A-Eng bill.
Vote: 4-0-1-0
Yeas: 4 - Bentz, Dembrow, Prozanski, Roblan
Exc: 1 - Olsen
Fiscal: Has minimal fiscal impact
Revenue: Has minimal revenue impact
Prepared By: Beth Patrino, LPRO Analyst
Meeting Dates: 5/21, 5/23

WHAT THE MEASURE DOES:

Requires that a county approve a primary dwelling provided in conjunction with farm use if it finds that: (1) the tract on which the dwelling will be established is currently used for cranberry production; (2) the tract on which the dwelling will be established is 'high-value farmland' on the basis that the tract is growing a specified perennial, but not on the basis of soil composition; (3) there is no other dwelling, except for seasonal farmworker housing approved prior to 2001, on lands zoned for exclusive farm use or for farm and forest use owned by the farm operator or operation; (4) the farm operator earned at least \$40,000 in gross annual income from the sale of cranberries or cranberry products, excluding income from leased or rented land, or income used to qualify another lot or parcel for the construction or siting of a primary dwelling; and (5) the property owner agrees to record one or more irrevocable deed restrictions that prohibit the dwelling from being used as a rental dwelling in perpetuity. Specifies that the dwelling establishment on high-value farmland may not be interpreted to change land use decisions or determinations of high-value farmland for any other purpose. Sunsets January 2, 2022.

ISSUES DISCUSSED:

- Background on farm income standard to qualify for a dwelling
- Depressed market for cranberries
- Unique characteristics of land on which cranberries are grown

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Land Conservation and Development Commission establishes a farm income standard to determine whether a dwelling may be allowed in conjunction with farm use. For high-value farmland, a farm operator must have earned at least \$80,000 in gross annual income from farm product sales in each of the last two years, in three of the last five years, or in an average of three of the last five years.

High-value farmland is defined in ORS 215.710 for the purposes of limiting single-family dwelling establishment in farm zones. In the Willamette Valley, land defined as high-value farmland is composed of very productive 'prime, unique, Class I and II soils' and certain Class III and IV soils. Outside of the Willamette Valley, high-value farmland includes land with very productive 'prime, unique, Class I and II soils' and land that grows 'specified perennials' such as nursery stock, berries, fruits, nuts, Christmas trees, or vineyards. A few crops are currently excluded from the high-value farmland 'specified perennials' requirement: seed crops, hay, pasture, and alfalfa.

House Bill 2573A would require that a county approve a primary dwelling provided in conjunction with farm use for cranberry production until January 2, 2022, provided that certain conditions are met.