

## HB 2573 -2, -3, -4 STAFF MEASURE SUMMARY

### House Committee On Agriculture and Land Use

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**Prepared By:** Laura Kentnesse, LPRO Analyst

**Meeting Dates:** 2/21, 4/9

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#### WHAT THE MEASURE DOES:

Removes cranberry farms from the 'specified perennials' part of the 'high-value farmland' definition. Changes terminology for crop types that are included in the high-value farmland definition outside of the Willamette Valley from 'specified perennials' to 'high-value crops.'

#### ISSUES DISCUSSED:

##### EFFECT OF AMENDMENT:

-2 Replaces the measure. 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; (3) except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands zoned for exclusive farm use or for farm and forest use owned by the farm operator; and (4) the operator of the farm on the tract 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. Sunsets provision on January 2, 2022.

*REVENUE: No revenue impact*

*FISCAL: May have fiscal impact, but no statement yet issued*

-3 Replaces the measure. 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; (3) except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands zoned for exclusive farm use or for farm and forest use owned by the farm operator; (4) the operator of the farm on the tract 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, as a condition of approval of the new dwelling, agrees to sign and record in county deed records one or more irrevocable deed restrictions, enforceable by the county, that prohibit the owner and owner's successors from using the dwelling as a vacation occupancy or rental dwelling unit. Sunsets provision on January 2, 2022.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

-4 Replaces the measure. 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 under ORS 215.710(2), but not high-value farmland on the basis of soil composition under ORS 215.710(1); (3) except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands zoned for exclusive farm use or for farm and forest use owned by the farm operator; (4) the operator of the farm on the tract 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

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*This summary has not been adopted or officially endorsed by action of the committee.*

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another lot or parcel for the construction or siting of a primary dwelling; and (5) the property owner, as a condition of approval of the new dwelling, agrees to sign and record in county deed records one or more irrevocable deed restrictions, enforceable by the county, that prohibit the owner and owner's successors from using the dwelling as a rental dwelling unit. Specifies that the dwelling establishment on high-value farmland condition may not be interpreted to change land use decisions, or determinations, of high-value farmland for any other purpose. Sunsets provision on January 2, 2022.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

### **BACKGROUND:**

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 2573 would remove cranberry farms from the 'specified perennials' part of the 'high-value farmland' definition.