

# Agricultural Land

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Agriculture in the Columbia River Gorge is varied and is distributed throughout the Scenic Area. It ranges from row crops, hay, and specialty crops in the western Gorge to orchards and vineyards in the central Gorge to wheat and rangeland in the east. It includes intensive practices involving irrigation and extensive operations involving the grazing of grasslands. Agriculture and its associated support industries (packing and processing, farm equipment, etc.) have historically been a vital part of the local economy, particularly in the central and eastern Gorge, and remain so today.

## **SCENIC AREA ACT PROVISIONS**

The Scenic Area Act directs the Gorge Commission and the Forest Service to "protect and enhance agricultural lands for agricultural uses and to allow, but not require, conversion of agricultural lands to open space, recreation development or forest lands" [Section 6(d)(1)].

The Act defines agricultural lands to be those lands "used or suitable for the production of crops, fruits or other agricultural products, or the sustenance of livestock . . ." [Section 6(b)(2)].

## **KEY ISSUES**

Agricultural lands are often the most easily developed lands for non-resource uses, such as residential and commercial. In the United States in recent decades, farmland has been converted to non-farm uses at a rate of 3 million acres per year.

In the Scenic Area, pressure to convert resource land is especially evident in the western and central parts of the Gorge. In the western Gorge, urban and suburban growth in the Portland/ Vancouver metropolitan area is putting pressure on eastern Multnomah County in the Corbett area and on eastern Clark County and western Skamania County. In the central Gorge, growth associated with sailboarding and recreation homesites is impacting agricultural lands in the Underwood, Hood River, Lyle, and Mosier areas.

Agricultural lands need to be protected for agricultural practices. Farm practices such as spraying herbicides and pesticides, noise from farm machinery, and odors can be unpleasant to nearby residents and others. Conversely, non-farm residences and other uses can introduce plants that are hosts to pests and virus into agricultural areas, and can introduce dogs and other pets that may harass farm animals.

The division of agricultural lands into parcels too small to be used in commercial operations promotes the fragmentation of otherwise viable farms. In turn, these parcels provide opportunities for non-farm dwellings and other uses to locate among agricultural lands. Besides the conflicts these uses may present to nearby farms, the parcels are often no longer used or made available for commercial farm use.

## **OVERVIEW OF AGRICULTURAL LAND PROVISIONS**

This chapter is divided into three sections. A section addressing policies and guidelines for lands designated Agriculture in the GMA is followed by a section for lands designated Agriculture-Special in the GMA. The third section includes policies and guidelines for one Agriculture designation in the SMA.

The GMA Agriculture policies provide for two designations: Large-Scale and Small-Scale. These policies assure the protection of commercial agricultural lands, while recognizing existing areas where small-scale, part-time farms exist. Small-scale lands are those blocks of land that are suitable for part-time agriculture or an agricultural use too small to support

workers or provide significant products for market or processors. These lands are not able to be consolidated with large-scale agricultural operations.

The GMA Agriculture policies also establish minimum parcel sizes that protect agricultural land from conversion to non-resource uses and are large enough to ensure efficient agricultural management. Land divisions in the SMA are not permitted by the Scenic Area Act.

Both the GMA and SMA provisions establish use policies and guidelines that protect agricultural land from conflicting uses and conversion. These provisions establish uses that may be allowed and the guidelines to be used to determine consistency with plan policies. GMA guidelines also establish buffers to be used to protect lands designated Agriculture from conflicting uses on adjacent lands.

Agriculture-Special lands are natural areas where there may be existing livestock grazing. The GMA policies for these lands prohibit cultivation to protect sensitive plant communities. And Agriculture-Special policies and guidelines encourage landowners to consider voluntary natural protection programs to protect native rangeland.

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## **GMA PROVISIONS**

### **LARGE-SCALE AND SMALL-SCALE AGRICULTURE**

#### **GMA Goal**

Protect and enhance agricultural land for agricultural uses. Agricultural lands are those lands that are used for or suitable for agricultural use.

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### **GMA Objectives**

1. Enhance agriculture in areas designated Large-Scale Agriculture by encouraging the consolidation of small, inefficient parcels into larger, more efficient ownerships.
2. Support programs that provide tax incentives for continued agricultural use and enhance the competitive capabilities of farms and ranches, thereby encouraging the long-term enhancement, preservation, and expansion of agricultural lands. Support programs that encourage agricultural practices that preserve other natural resources.

### **GMA Policies**

#### **Designation Policies**

1. Those lands that are currently being used to produce crops, fruits, or other agricultural products or for the sustenance of livestock shall be designated as Large-Scale or Small-Scale Agriculture.
2. Those lands that are classified as predominantly Class I through Class IV soils or are designated unique farmland by the U.S. Department of Agriculture Soil Conservation Service or local conservation district shall be designated as Large-Scale or Small-Scale Agriculture.
3. Those lands that are suitable for producing forage for livestock, including seasonal rangeland and areas used for calving, shall be designated as Large-Scale or Small-Scale Agriculture.
4. Those lands that are interspersed among lands suitable or used for agriculture shall be designated as Large-Scale or Small-Scale Agriculture in order to protect agricultural lands from conflicting uses.
5. Those lands that are suitable for both agriculture and forestry shall be designated as Large-Scale or Small-Scale Agriculture if the surrounding area is generally devoted to agriculture.
6. Blocks of land that have been committed by development to other uses shall not be deemed used for or suitable for agriculture.
7. The diversity of agricultural operations in the Scenic Area shall be recognized by distinguishing between Large-Scale and Small-Scale Agriculture.
  - A. Blocks of agricultural land shall be designated as Large-Scale Agriculture if they:

## **PART II-Land Use Designations**

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- (1) Are currently devoted to agriculture of a scale that is land intensive, employs workers, or provides significant products for markets or processors, or
  - (2) Have a combination of soil capability, size, and freedom from conflicting use that renders them suitable for large-scale agriculture or farm forestry.
- B. Blocks of agricultural land shall be designated as Small-Scale Agriculture if they:
- (1) Have little potential for consolidation with large-scale agricultural lands and are currently devoted to agriculture of a scale too small to support workers or provide a significant volume of products for markets or processors, and
  - (2) Have a combination of soil capability and size that provides an opportunity for direct marketing or part-time/second-income agriculture.
- C. Small blocks of land that may by themselves be deemed Small-Scale Agriculture shall be designated as Large-Scale Agriculture if residential development of them would conflict with the resource use of adjacent lands designated Large-Scale Agriculture or Commercial Forest Land. Small blocks that are adjacent to Urban Areas, Residential, or Small Woodland land use designations or that are physically buffered by natural or manmade barriers from adjacent Large-Scale Agriculture and Commercial Forest Land designations may be considered for a Small-Scale Agriculture designation.

### **Land Use Policies**

1. Conversion of agricultural land to forest land or open space shall be allowed.
2. Conversion of land from agriculture use to recreation shall be allowed when consistent with the guidelines established for the recreation intensity classes (Part I, Chapter 4: Recreation Resources) and the Recreation Development Plan (Part III, Chapter 1).
3. Agricultural land shall be protected from conflicts by limiting the number, size, proximity, and scale of conflicting uses on nearby lands.
4. Agricultural land shall be protected from conversion to residential land by establishing minimum lot sizes for the creation of new parcels that are adequate to maintain existing agricultural operations, and by specifying the uses that may occur and the conditions of approval.

5. Minimum lot sizes shall be established that are adequate to maintain agricultural operations and that:
  - A. Recognize the diversity of type and scale of farms and ranches in the Scenic Area.
  - B. Are large enough to ensure efficient agricultural management and to discourage speculative real estate investment.
  - C. Take into account the common field size for crops or livestock, adjacent uses, parcel sizes in the area, common size or economic unit for farms and ranches in the area, the existing landscape setting, wildlife habitat, scenic sensitivity, and other factors.
  
6. The following minimum parcel sizes shall be established for the creation of new parcels:
  - A. Large-Scale Agriculture
    - (1) A 40-acre minimum shall be applied to those areas designated Large-Scale Agriculture that are predominantly used for intensive farm operations, including the production of row crops, berries, vineyards, irrigated orchard land, and nursery stock. Farm/forestry operations are common in these areas.
    - (2) A 60-acre minimum shall be applied to those areas designated Large-Scale Agriculture that are predominantly used for non-irrigated orchard land. Dryland orchards require greater acreage to obtain production similar to irrigated orchards.
    - (3) An 80-acre minimum shall be applied to those areas designated Large-Scale Agriculture that are predominantly used for haying and pasturing. Production of crops may also occur in the area. Farm/forestry operations are common in these areas.
    - (4) A 160-acre minimum shall be applied to those areas designated Large-Scale Agriculture that are predominantly used for extensive operations, primarily livestock grazing. Livestock and wheat ranches are common in these areas.
    - (5) Where a larger minimum parcel size is required by the Management Plan to protect a resource other than agricultural land, the larger minimum size shall apply.

B. Small-Scale Agriculture

- (1) A minimum parcel size for lands designated Small-Scale Agriculture shall be established using the criteria prescribed in land use Policy 5, above. Except as provided for in Policy 7, below, the minimum parcel size shall not be less than 20 acres.
7. Local governments may allow creation of parcels smaller than the designated minimum parcel size in the Small-Scale Agriculture designation, and award a density bonus, in order to cluster new residences to protect scenic, cultural, natural, or recreation resources.
8. Agricultural use shall be allowed in areas designated Large-Scale or Small-Scale Agriculture.
9. Agricultural buildings shall be allowed in areas designated Large-Scale or Small-Scale Agriculture if they are shown to be accessory to agricultural use.
10. Single-family dwellings shall be allowed in areas designated Large-Scale Agriculture when:
  - A. A farm dwelling is shown to be in conjunction with and substantially contributes to the effective and efficient current agricultural use of a farm or ranch, or
  - B. A non-farm dwelling is shown not to convert land from agricultural use and not to interfere or conflict with agriculture on nearby lands.
11. All legally created, undeveloped parcels in a Small-Scale Agriculture designation are entitled to a single-family dwelling. Qualified agricultural labor housing may also be allowed.
12. Specified non-agricultural uses, such as buildings accessory to an existing residence, may be allowed, subject to review to minimize the loss of agricultural land and to prevent interference with agricultural uses. Non-agricultural uses that would interfere with agricultural operations shall not be allowed.
13. Agriculture shall be enhanced by allowing processing and packing of agricultural products and uses that offer direct marketing opportunities, subject to review to minimize the loss of agricultural land and to limit the size and scale of use.

## **GMA Guidelines**

### **Uses Allowed Outright**

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Large-Scale Agriculture or Small-Scale Agriculture.

### **Uses Allowed through the Expedited Development Review Process**

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Large-Scale Agriculture or Small-Scale Agriculture.

### **Review Uses**

1. The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:
  - A. New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 4: Natural Resources).
  - B. Agricultural structures, except buildings, in conjunction with agricultural use.
  - C. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).
  - D. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.E or Guideline 1.F below.
  - E. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:
    - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

- (2) The height of any individual accessory building shall not exceed 24 feet.
- F. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:
  - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
  - (2) The footprint of any individual accessory building shall not exceed 1,500 square feet.
  - (3) The height of any individual accessory building shall not exceed 24 feet.
- G. The temporary use of a mobile home in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).
- H. On lands designated Large-Scale Agriculture, a single-family dwelling in conjunction with agricultural use, upon a demonstration that all of the following conditions exist:
  - (1) The subject farm or ranch (including all of its constituent parcels, contiguous or otherwise) has no other dwellings that are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and that could be used as the principal agricultural dwelling.
  - (2) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined under "Designation Policies," where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. The farm or ranch must currently satisfy Guideline (3)(d), below.
  - (3) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:
    - (a) Size of the entire farm or ranch, including all land in the same ownership.
    - (b) Type(s) of agricultural uses (crops, livestock) and acreage.

- (c) Operational requirements for the particular agricultural use that are common to other agricultural operations in the area.
- (d) Income capability. The farm or ranch, and all its constituent parcels, must be capable of producing at least \$40,000 in gross annual income. This determination can be made using the following formula:

$$(A)(B)(C) = I$$

where:

A = Average yield of the commodity per acre or unit of production

B = Average price of the commodity

C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch

I = Income capability

- I. On lands designated Large-Scale Agriculture, a second single-family dwelling in conjunction with agricultural use when the dwelling would replace an existing dwelling that is included in, or eligible for inclusion in, the National Register of Historic Places, in accordance with the criteria listed in GMA Policy 10.A in Part I, Chapter 2: Cultural Resources.
- J. On lands designated Small-Scale Agriculture, a single-family dwelling on any legally existing parcel.
- K. On lands designated Large-Scale Agriculture, a single-family dwelling for an agricultural operator's relative provided that all of the following conditions exist:
  - (1) The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister.
  - (2) The dwelling would be located on the same parcel as the dwelling of the principal operator.
  - (3) The operation is a commercial enterprise, as determined by an evaluation of the factors described in Guideline 1.H(3) under "Review Uses" in this section.
- L. Construction, reconstruction, or modifications of roads not in conjunction with agriculture.
- M. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in

"Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

- N. Structures associated with hunting and fishing operations.
- O. Towers and fire stations for forest fire protection.
- P. Agricultural labor housing, under the following conditions:
  - (1) The proposed housing is necessary and accessory to a current agricultural use.
  - (2) The housing shall be seasonal, unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed 9 months.
  - (3) The housing shall be located to minimize the conversion of lands capable of production of farm crops or livestock, and shall not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.
- Q. On lands designated Large-Scale Agriculture, on a parcel that was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that all of the following conditions exist:
  - (1) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands.
  - (2) The subject parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location, and size of the parcel. Size alone shall not be used to determine whether a parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject parcel to be used in conjunction with other agricultural operations in the area.
  - (3) The dwelling shall be set back from any abutting parcel designated Large-Scale or Small-Scale Agriculture, as required in "Agricultural Buffer Zones," below, or designated Commercial Forest Land or Large or Small Woodland, as required in "Siting of Dwellings on Forest Land" (Part II, Chapter 2: Forest Land).

- (4) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, Large or Small Woodland.
  - (5) All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland that is within 500 feet of the perimeter of the subject parcel on which the dwelling is proposed to be located have been notified and given at least 10 days to comment prior to a decision.
- R. On parcels in Small-Scale Agriculture, a land division creating parcels smaller than the designated minimum parcel size, subject to the guidelines for cluster development in "Land Divisions and Cluster Development" (Part II, Chapter 7: General Policies and Guidelines). If the designated minimum parcel size is 20 acres, this provision will apply to parcels 40 acres in size or larger. Similarly, if the designated minimum parcel size is 40, 80, or 160 acres, this provision will apply to parcels 80 acres or larger, 160 acres or larger, or 320 acres or larger, respectively.
  - S. Life estates, subject to the guidelines for life estates in "Approval Criteria for Life Estates," below.
  - T. Land divisions, subject to the guidelines for minimum parcel sizes in land use Policy 6, above.
  - U. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).
  - V. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
  - W. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).
  - X. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
  - Y. Commercial events, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).
  - Z. Special uses in historic buildings, subject to the guidelines in "Special Uses in Historic Buildings" (Part II, Chapter 7: General Policies and Guidelines).

2. The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture, subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources and the "Approval Criteria for Specified Review Uses," below.
  - A. Utility facilities and railroads necessary for public service upon a showing that (1) there is no practicable alternative location with less adverse effect on agricultural or forest lands, and (2) the size is the minimum necessary to provide the service.
  - B. Home occupations or cottage industries in existing residential or accessory structures, subject to the guidelines in "Home Occupations and Cottage Industries" (Part II, Chapter 7: General Policies and Guidelines).
  - C. Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.
  - D. Wineries, in conjunction with onsite viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region.
  - E. Wine sales/tasting rooms, in conjunction with an on-site winery.
  - F. Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
  - G. Exploration, development, and production of mineral and geothermal resources, subject to the guidelines in Part I, Chapter 1: Scenic Resources.
  - H. Personal-use airstrips, including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted (except for aircraft emergencies) to use by the owner; invited guests on an infrequent and occasional basis; and commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airstrip other than those owned or controlled by the owner of the airstrip.
  - I. Aquaculture.
  - J. Recreation development, subject to the recreation intensity class provisions (Part I, Chapter 4: Recreation Resources) and Recreation Development Plan (Part III, Chapter 1).

- K. Boarding of horses. The reviewing agency shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings.
- L. Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.
- M. Bed and breakfast inns in single-family dwellings, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines) and provided that the residence:
  - (1) Is included in the National Register of Historic Places, or
  - (2) In Washington, is listed on the Washington State Register of Historic Places maintained by the Washington Office of Archaeology and Historic Preservation, or
  - (3) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.
- N. Nonprofit, environmental learning or research facilities.
- O. Expansion of existing school or place of worship.
- P. On parcels designated Small-Scale Agriculture, small-scale fishing support and fish processing operations on parcels that are contiguous with and have direct access to the Columbia River, subject to the guidelines in "Small-Scale Fishing Support and Fish Processing Operations" (Part II, Chapter 7: General Policies and Guidelines).
- Q. Disposal sites managed and operated by the Oregon Department of Transportation, the Washington State Department of Transportation, or a Gorge county public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Part II, Chapter 7: General Policies and Guidelines).

### **Agricultural Buffer Zones**

- 1. All new buildings shall comply with the following guidelines when proposed to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use:

<b>SETBACK GUIDELINES</b>			
<u>Type of Buffer (Size in Feet)</u>			
<u>Type of Agriculture</u>	<i>Open or Fenced</i>	<i>Natural or Created Vegetation Barrier</i>	<i>8-foot Berm or Terrain Barrier</i>
<i>Orchards</i>	250	100	75
<i>Row crops/ Vegetables</i>	300	100	75
<i>Livestock grazing Pasture, haying</i>	100	15	20
<i>Grains</i>	200	75	50
<i>Berries, vineyards</i>	150	50	30
<i>Other</i>	100	50	30

2. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of 8 feet in height, and contoured at 3:1 slopes to look natural. Shrubs, trees, and/or grasses shall be employed on the berm to control erosion and achieve a finished height of 15 feet.
3. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be at least 6 feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen shall be planted along the appropriate parcel line(s), and shall be continuous.
4. The necessary berming and/or planting shall be completed during the first phase of development and maintained in good condition.
5. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
6. A local government may grant a variance to the buffer guidelines upon a demonstration that the variance guidelines in "Variances from Setbacks and Buffers" (Part II, Chapter 7: General Policies and Guidelines) have been satisfied.

### **Approval Criteria for Life Estates**

1. A landowner who sells or otherwise transfers real property on lands designated Large-Scale or Small-Scale Agriculture may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in the Management Plan. A second dwelling in conjunction with agricultural use may be allowed, subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources and upon findings that:
  - A. The proposed dwelling is in conjunction with agricultural use, using Guideline 1.H of "Review Uses" in this chapter.
  - B. Upon termination of the life estate, the original or second dwelling shall be removed.

### **Approval Criteria for Specified Review Uses**

1. The uses identified under Guideline 2 under "Review Uses," above, may be allowed only if they meet both of the following criteria:
  - A. The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use.
  - B. The use will be sited to minimize the loss of land suitable for the production of crops or livestock.

## **AGRICULTURE-SPECIAL**

### **GMA Goals**

1. Ensure that new uses do not adversely affect natural areas that are potentially eligible for the Oregon Register of Natural Heritage Resources or the Washington Register of Natural Areas Program.
2. Encourage landowners to enhance those portions of natural areas that are in fair or poor condition.

### **GMA Objectives**

1. Inform landowners and agency officials about voluntary natural area protection programs that are conducted by state agencies and nonprofit organizations, such as the Oregon Natural Heritage Program, the Washington Natural Heritage Program, and The Nature Conservancy.

2. Assist owners of natural areas who wish to realize benefits from programs that promote long-term protection of open space values by informing them of opportunities such as property tax relief through special assessment programs, income tax benefits through charitable donations, or acquisition by government agencies or nonprofit organizations.

### **GMA Policies**

1. Natural areas that are potentially eligible for the Oregon Register of Natural Heritage Resources or the Washington Register of Natural Areas Program shall be designated as Open Space or Agriculture-Special.
2. Potentially eligible natural areas that are primarily rangeland and substantially contribute to existing livestock operations shall be designated Agriculture--Special if continued livestock grazing would not adversely affect native plant communities or rare plants.

The Oregon and Washington Natural Heritage Programs have concluded that continued livestock grazing is compatible with the following natural areas: Celilo Ridge and Crates Point, Oregon, and Columbia Hills and Horsethief Ponds, Washington. These natural areas are designated Agriculture-Special.

3. Potentially eligible natural areas that would be adversely affected by intensive uses shall be designated as Open Space. The following natural areas are designated Open Space: Chenoweth Table, Columbia Oaks, Rowena Plateau, and Squally Point, Oregon; and Columbia Tunnels, Lower Klickitat River Canyon, and Mosley Lakes, Washington.
4. The Gorge Commission, in consultation with the Oregon and Washington Natural Heritage Programs, have prepared guidelines that specify what uses may be allowed in each natural area. Uses that would adversely affect native plant communities and rare plants shall be prohibited in natural areas. Guidelines for natural areas designated Agriculture-Special are presented in this section, below. Guidelines for natural areas designated Open Space are found in Part II, Chapter 4: Open Space.
5. Landowners and agency officials shall be encouraged to rehabilitate those portions of natural areas that have been degraded and invaded by non-native plant species and weeds. Rehabilitation may be accomplished through a variety of means, including soil and water conservation planning, weed control, and livestock management.

## **GMA Guidelines**

### **Uses Allowed Outright for Lands Designated Agriculture-Special**

1. The following uses may be allowed on lands designated Agriculture-Special without review:
  - A. Existing livestock grazing. A livestock operation ceases to be existing when the land on which it is conducted has lain idle for more than 5 years.
  - B. Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads, and utility facilities.
  - C. Low-intensity recreation uses that occur with the knowledge and permission of the landowner, including hunting, fishing, trapping, native plant study, birdwatching, photography, horseback riding, and hiking.
  - D. Temporary livestock facilities, such as portable livestock pens and corrals.
  - E. New fences that exclude livestock from lands that are not part of an existing livestock operation.

### **Uses Allowed through the Expedited Review Process**

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Agriculture-Special.

### **Review Uses for Lands Designated Agriculture-Special**

1. The following uses may be allowed on lands designated Agriculture-Special, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Review Uses on Lands Designated Agriculture-Special" in this section.
  - A. New livestock grazing. Any operation that would introduce livestock to land that has not been grazed, or has laid idle, for more than 5 years shall be considered new livestock grazing.
  - B. New fences, livestock watering facilities, and corrals.
  - C. Soil, water, and vegetation conservation uses.
  - D. Replacement or minor expansion of existing and serviceable structures within a dedicated site. Expansion shall be limited to the dedicated site.

- E. Fish and wildlife management uses, educational activities, and scientific research.
- F. Land divisions that facilitate livestock grazing or protect and enhance natural areas. No resulting parcel may be smaller than 160 acres, unless it would facilitate the protection of scenic, cultural, natural, or recreation resources.
- G. Single-family dwellings that are not in conjunction with agricultural use, if a landowner demonstrates that (1) the dwelling cannot be constructed on a portion of the parcel that is located outside of the natural area, and (2) the dwelling is sited and designed in a manner that minimizes adverse effects to the natural area. All dwellings shall meet the criteria in Guideline 1.Q of "Review Uses" (Part II, Chapter 1: Agricultural Land). The buffer guidelines for non-agricultural dwellings may be waived if they would prevent the optimum siting of a dwelling.
- H. Recreation uses, subject to the provisions for recreation intensity classes (in Part I, Chapter 4: Recreation Resources).
- I. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
- J. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).
- K. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
- L. Lot line adjustments, subject to the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).

**Approval Criteria for Review Uses on Lands Designated Agriculture-Special**

1. A range conservation plan shall be prepared before new livestock grazing commences; new fences, livestock watering facilities, and corrals are constructed; or soil, water, and vegetation conservation activities are undertaken (review uses 1.A, 1.B, and 1.C). Range conservation plans are described under "Range Conservation Plans" below.
2. The local government shall submit all land use applications and range conservation plans to the Oregon or Washington Natural Heritage Program. The

state heritage program will have 20 days from the date that an application and/or plan is mailed to submit written comments to the local government.

The local government shall record and address any written comments submitted by the state heritage program in its development review order.

3. Based on the comments from the state heritage program, the local government shall make a final decision on whether the proposed use is consistent with the Agriculture-Special policies and guidelines. If the final decision contradicts the comments submitted by the state heritage program, the local government shall justify how it reached an opposing conclusion.

### **Uses Prohibited on Lands Designated Agriculture-Special**

1. Except for uses allowed outright and review uses, new uses shall be prohibited on lands designated Agriculture-Special. Prohibited uses include, but are not limited to:
  - A. Cultivation, including plowing, harrowing, leveling, tilling, or any activity that prepares land for raising crops by turning, breaking up, or loosening the soil.
  - B. Removal or clearing of native grasses, shrubs, and trees.
  - C. Single-family dwellings and accessory structures, other than non-agricultural dwellings allowed as a review use.
  - D. Barns, silos, and other agricultural buildings.
  - E. Irrigation systems.
  - F. Exploration, development, and production of mineral resources.
  - G. Utility facilities, public use facilities, and roads.

### **Range Conservation Plans**

1. If a range conservation plan is required before a use is allowed, it shall be prepared by landowners in cooperation with range scientists from local conservation districts. Specialists from the Oregon or Washington Natural Heritage Program should be consulted while the plan is being prepared.
2. Range conservation plans shall ensure that new uses do not adversely affect natural areas. They shall accomplish the following goals:
  - A. Maintain native rangeland that is in excellent or good condition; enhance rangeland that is in fair or poor condition.

- B. Preserve native trees and shrubs.
  - C. Reestablish native grasses in degraded areas that have been invaded by non-native plants and weeds.
3. Range conservation plans shall include the following elements:
- A. Range inventory. This shall include existing composition, carrying capacity, and condition of rangeland; the location of rare plants and non-native weeds; and existing fences, watering ponds, and other range improvements.
  - B. Rehabilitation plan. This shall include actions that will be taken to rehabilitate native rangeland that is in fair or poor condition, such as weed and soil erosion control, seeding, and prescribed burning.
  - C. Livestock management plan. This shall include the grazing system that will be used, including number and size of pastures, expected livestock numbers, and grazing/deferral periods and sequence. Management plans shall project livestock movements for at least 3 years.
  - D. Monitoring program. This shall track the annual progress of the conservation plan and condition of the range. Monitoring techniques shall be described, such as line transects or photographic plots.

## SMA PROVISIONS

### **SMA Goal**

Protect and enhance lands that are used or suitable for agricultural uses.

### **SMA Policies**

1. Only lands determined to be used or suitable for agricultural purposes may be designated Agriculture.
2. Lands that are classified as predominantly Class I through Class IV soils, or are designated unique farmlands by the U.S. Department of Agriculture Soil Conservation Service or local conservation district, or are suitable for producing forage for livestock, are considered suitable for designation as Agriculture.
3. Other lands that are interspersed among lands used or suitable for agricultural purposes may be designated Agriculture in order to protect agricultural lands from conflicting uses.
4. Use of agricultural land for forest, open space, or public recreation is allowed and shall comply with the appropriate land use designation policies and guidelines. Use of agricultural land for commercial recreation is allowed and shall comply with the provisions of Part I, Chapter 4: Recreation Resources.
5. Conversion of lands designated Agriculture to Forest Land or to Open Space is allowed.
6. Agricultural lands shall be protected by minimizing adjacent land use conflicts.
7. Existing and new programs that promote farm practices that conserve and enhance natural resources shall be encouraged and facilitated.
8. The use of agricultural lands for public recreation or commercial recreation shall be allowed when consistent with the provisions of Part I, Chapter 4: Recreation Resources.
9. New dwellings shall not be permitted on parcels of land of less than 40 contiguous acres.
10. Structures, new dwellings, and agricultural buildings shall maintain the visual character of the landscape setting.
11. New dwellings and agricultural buildings shall only be allowed in areas designated Agriculture if they are shown to be necessary for and accessory to agricultural use.

12. Scenic, cultural, natural, and recreation resource guidelines shall be applied to new land uses and developments.
13. All National Forest System lands shall be subject to the laws and regulations pertaining to National Forest lands, including the National Environmental Policy Act (NEPA), and the Mt. Hood National Forest Land and Resource Management Plan, and the Gifford Pinchot National Forest Land and Resource Management Plan, as amended by the Northwest Forest Plan. The most protective standards of the National Scenic Area Management Plan or the respective Forest Land and Resource Management Plans (as amended by the Northwest Forest Plan) shall apply to National Forest System lands.

### **SMA Guidelines**

#### **Uses Allowed Outright**

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Agriculture.

#### **Uses Allowed through the Expedited Development Review Process**

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Agriculture.

#### **Review Uses**

1. The following uses may be allowed on lands designated Agriculture subject to review for compliance with the scenic, cultural, natural, and recreation resource guidelines. The use or development shall be sited to minimize the loss of land suitable for the production of agricultural crops or livestock.
  - A. New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to the additional requirements of 1.W of Part II, Chapter 2: Forest Land.
  - B. Forest uses and practices, as allowed for in Part II, Chapter 2: Forest Land.
  - C. A single-family dwelling necessary for and accessory to agricultural use upon a demonstration that all of the following conditions exist:
    - (1) The proposed dwelling would be the only dwelling on the subject farm or ranch, including contiguous lots/parcels.

- (2) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the dwelling will be principally directed to the agricultural use of the land. The farm or ranch must currently satisfy Guideline (3)(d), below.
- (3) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following criteria:
  - (a) Size of the entire farm or ranch, including all land in the same ownership.
  - (b) Type(s) of agricultural uses (crops, livestock, orchard, etc.) and acreage.
  - (c) Operational requirements for the particular agricultural use that are common to other agricultural operations in the area.
  - (d) Income capability. The farm or ranch, and all its contiguous parcels, must be capable of producing at least \$40,000 in gross annual income. This determination can be made using the following formula, with periodic adjustments for inflation:

$$(A)(B)(C) = I$$

where:

A = Average yield of the commodity per acre or unit of production

B = Average price of the commodity

C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch

I = Income capability

- (4) Minimum parcel size of 40 contiguous acres.
- D. Farm labor housing on a parcel with an existing dwelling under the following conditions:
- (1) The proposed housing is necessary and accessory to a current agricultural use, and the operation is a commercial agricultural enterprise as determined by an evaluation of the criteria listed in Guideline 1.C(3) under "Review Uses," above.
  - (2) The housing shall be seasonal, unless it is shown that an additional full-time dwelling is necessary for the current agricultural use. Seasonal use shall not exceed 9 months.

- (3) The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock, and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.
- E. Agricultural structures, except buildings, in conjunction with agricultural use.
- F. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).
- G. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.H or Guideline 1.I below.
- H. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:
  - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
  - (2) The height of any individual accessory building shall not exceed 24 feet.
- I. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:
  - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
  - (2) The footprint of any individual accessory building shall not exceed 1,500 square feet.
  - (3) The height of any individual accessory building shall not exceed 24 feet.
- J. Home occupations and cottage industries, subject to the guidelines in "Home Occupations and Cottage Industries" (Part II, Chapter 7: General Policies and Guidelines). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

- K. Bed and breakfast inns, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.
- L. Fruit stands and produce stands, upon a showing that sales will be limited to agricultural products raised on the property and other agriculture properties in the local region.
- M. Aquaculture.
- N. Exploration, development, and production of sand, gravel, and crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the SMA.
- O. Utility facilities necessary for public service, upon a showing that:
  - (1) There is no alternative location with less adverse effect on Agriculture lands.
  - (2) The size is the minimum necessary to provide the service.
- P. Temporary asphalt/batch plant operations related to public road projects, not to exceed 6 months.
- Q. Community facilities and nonprofit facilities related to agricultural resource management.
- R. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).
- S. Expansion of existing nonprofit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.
- T. Public recreation, commercial recreation, interpretive, and educational developments and uses, consistent with the guidelines in Part I, Chapter 4: Recreation Resources.
- U. Road and railroad construction and reconstruction.

- V. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight, or value.
- W. On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a mobile home in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).
- X. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
- Y. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).
- Z. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
- AA. Disposal sites managed and operated by the Oregon Department of Transportation, the Washington State Department of Transportation, or a Gorge county public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Part II, Chapter 7: General Policies and Guidelines).