

Adopted January 15, 1996
Hood River County Ordinance #201

GOAL 3 – AGRICULTURAL LANDS

A. GOAL:

To preserve and maintain agricultural lands.

B. POLICIES:

1. Agricultural land shall be preserved and maintained for agricultural uses, consistent with existing and future needs for agricultural products.
2. Forest land and open space are consistent with agricultural land uses and can be used to accommodate future agricultural growth.
3. The County through the Zoning Ordinance may authorize farm uses and those non-farm uses allowed by LCDC rules that will not have significant adverse effects on accepted farm or forest practices.
4. Efforts will be made to curb the decline in cropland acreage, especially for orchard land.
5. Efforts will be made to curb the conversion of agricultural land to other uses.
6. Agricultural lands and existing agricultural uses will be protected from conflicting uses.
7. Redevelopment and improvement of existing communities and other developed area (s) is favored over development which will utilize existing agricultural lands.
8. Diversity of agricultural crops and enterprises is allowed.
9. Access management and other transportation related land use controls will be used to help protect the rural nature of agricultural lands.

C. STRATEGIES

1. Lands identified as agricultural land shall be zoned Exclusive Farm Use (EFU) pursuant to ORS Chapter 215 and OAR 660, Division 33.
2. A “Reasons” exception to Goal 3 shall be based on consideration of the following:

- a. Reasons justify why the applicable goal should apply;
 - b. Areas which do not require a new exception which cannot reasonably accommodate the use;
 - c. The environmental, energy, social and economic consequences are not significantly greater than at other areas.
 - d. The proposed uses are compatible with other adjacent uses.
 - e. The retention of :
 - i. Class I, II, III and IV soils;
 - ii. The better soils in comparison; and
 - iii. Tree fruit acreage.
3. Agricultural land is defined as: Land of predominantly Class I, II, III, and IV soils as identified in the Soil Survey of Hood River County prepared by the USDA, Soil Conservation Service, January, 1981, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes; existing land use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands shall be included as agricultural land in any event.

Land in capability classes other than I-IV that is adjacent to or intermingled with lands in capability classes I-IV within farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed. Agricultural land does not include land when acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.

More detailed soil data to define agricultural land may be used if such data permits achievement of Goal 3.

- 4. Agricultural land shall be identified as it is defined in Goal 3, when designating zoning and when processing specific proposals.
- 5. Some steep hillsides may be suitable as agricultural land.

6. The Floodplain Zone and Environmental Protection Zone shall be considered as overlay zones whenever they are adjacent to EFU zoned lands. In such instances, the base zone shall be the EFU Zone.
7. Value added farm products should be provided for because of their contribution to the County Ag economy.
8. Forest land that has been converted to farm use should be considered for a plan and zone change to EFU.
9. Farm-related uses designed to sort, box and store (i.e., cold storage and packing) agricultural products, if in conjunction with an on-premise farm use are considered as a farm use and are permitted.
10. Equine facilities are considered as a farm use and are permitted in the EFU Zone if siting standards are met.
11. Zoning applied to agricultural land shall limit uses which can have significant adverse effects on agricultural and forest land, on farm and forest uses, or on accepted farming or forest practices.
12. Farm dwellings, non-farm dwellings, and non-farm uses are not permitted outright and shall only be approved if adopted criteria are met.
13. Non-farm uses permitted by the State statutes and rules shall be minimized to allow for maximum agricultural productivity.
14. Buffers, deed notices, conditions of approval, restrictions or prohibitions on the encroachment of non-farm uses, and consideration of cumulative effects should be used to minimize land use conflicts.
15. Non-farm uses should be denied if conditions of approval which are necessary to mitigate conflicts cannot be created or reasonably enforced.
16. When a provision of the Comprehensive Plan pertaining to a non-farm use is open to interpretation, the more restrictive interpretation should be used.
17. Due to factors inherent in the County's farm lands, the creation of additional non-farm parcels is discouraged and shall only be approved under very limited circumstances as specified in the Zoning Ordinance.

18. The EFU Zone has been protected with even greater restrictions on non-farm uses that required by the State, to assure protection of agricultural lands which play such an important role in the County's economy.
19. Land uses must meet both State and County provisions regarding EFU lands.
20. Urban growth should be separated from agricultural land by transitional areas of open space.
21. Plans providing for the preservation and maintenance of farm land for farm use should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.
22. The County supports the "Right to Farm" clause as it is stated in the County Background Report. The clause shall be included in Article 7 – EFU Zone to serve as a notice.
23. High Value Farmland (HVF) is defined as:
 - a. Land in a tract composed predominantly of soils that are irrigated and classified prime, unique , Class I or Class II; and
 - b. Tracts growing specified perennials as demonstrated by the most recent aerial photography of the agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 54, 1993, or by the aerial photography taken by the Western Aerial Corporation on May 28, 1995; and
 - c. Small blocks of land surrounded or nearly surrounded by HVF that are designated during the mapping of such land.
24. Lot of Record dwelling are a non-farm use. Such provisions are intended to provide certain owners of less productive land an opportunity to build a dwelling on their land.
25. Pre-existing dwellings that are to be replaced on a completely different site shall comply with setbacks and buffer requirements.
26. Golf courses approved by the Board of Commissioners and constructed at the time of adoption of this ordinance should be

provided for by the Comprehensive Plan regardless of any restrictions due to the HVF designation.

27. Destination resorts are listed as a prohibited use in the EFU Zone because there is not any EFU zoned land that would meet State Siting criteria.
28. The minimum parcel size in the Exclusive Farm Use Zone shall be 80 acres, unless the County adopts a lower minimum that is approved by the LCDC. The minimum parcel size shall be appropriate for maintaining the existing commercial agricultural enterprise within the area.
29. Services that need to pass through agricultural lands shall not be connected with any use that is not allowed under State statutes or rules, and shall be limited in capacity to serve specific service areas and identified needs. Such services shall comply with State law and County Goal 11.
30. Extensions of sewer and water and other public services into designated agricultural areas shall be designed to accommodate the needs of farm and related uses agricultural, farm and non-farm uses allowed by State statutes and rules.
31. Extension of new sewer trunk lines into areas designated "Farm" on the Plan Map shall not be allowed without prior approval by the Planning Commission. At a minimum, the following criteria must be met: (a) the sewer line is necessary to correct a state documented health hazard; or (b) extending the sewer line through an area designated "Farm" is the only reasonable means of providing sewer service to a justified exception area which lies within the boundaries of a legally created sewerage entity and which is designated for residential, commercial, industrial, or light industrial on the plan Map; and (c) the proposed facilities are shown to be appropriate for and limited to the exception area. Assessments and levies for sewer service land designated "Farm" by the County shall comply with *ORS 308.401.

* ORS 308.401:

(1) Except as otherwise provided in subsection (2) of this section, the assessments and levies of the following taxing units and special districts shall not be imposed while such lands remain qualified for special assessment for farm use under ORS 308.370 (1):

- (a) Sanitary districts formed under ORS 450.005 to 450.245.
- (b) Domestic water supply districts formed under ORS chapter 264.
- (c) Water supply authorities and sanitary authorities formed under ORS 450.675 to 450.980

(2) Subsection (1) of this section does not apply to:

- (a) Benefit assessments or special ad valorem tax levies imposed prior to October 5, 1973

32. New sewer lateral lines may be extended within a legally created sewerage entity from existing sewer trunk lines into resource lands (i.e., farm and forest) to provide service to either ** pre-existing residential, commercial, industrial or light industrial uses or new uses approved by a County land use action or a County building/land use permit in accordance with the County Comprehensive Plan and Land Use Code. Such pre-existing and new uses may also be served by existing laterals and trunk extensions. The following conditions shall apply to new lateral extensions.
- (a) The lateral is sized only to service the uses approved for sewer service in the is Section.
 - (b) The lateral will not cause additional residential, commercial, industrial or light industrial development to occur in the resource land it enters. (Reference OAR 660.04.028(6) (c) (A): Resource and non-resource uses permitted within a resource zone, i.e., an agricultural zone, cannot be relied upon at a future time to justify an exception to a resource Goal.)
33. Sewers shall not extend beyond the urban growth boundary or a legally created sewerage entity except to service a documented health hazard situation.

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- (b) Benefit assessments or special ad valorem tax levies imposed upon homesites situated within a parcel of farm use land. As used in this paragraph, “homesite” means not more than one acre of land upon which are constructed non-farm dwellings and appurtenances.
 - (c) Benefit assessments or special ad valorem tax levies imposed subsequent to disqualification of lands for farm use assessment under ORS 308.370 (1).

** Pre-existing uses are those improvements that generally use or require sewage disposal systems and were in existence prior to July 21, 1980.