

SECTION 3.190 “AS” Agriculture Special Zone (GMA Only)

A. Purpose:

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

B. Uses Permitted Without Review

The following activities and uses may be allowed on lands designated Agriculture-Special without review:

1. 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.
2. Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.
3. Low-intensity recreation uses that occur with the knowledge and permission of the landowner, including hunting, fishing, trapping, native plant study, bird watching, photography, horseback riding and hiking.
4. Temporary livestock facilities, such as portable livestock pens and corrals.
5. New fences that exclude livestock from lands that are not part of an existing livestock operation.

C. Uses Permitted Subject To Expedited Review

The uses and activities listed in Section 3.110 may be allowed on a legal parcel designated Agriculture Special subject to Expedited Review and Subsections H - Property Development Standards and Chapter 11 - Fire Protection Standards, as well as all other listed or referenced standards.

D. Uses Permitted Conditionally

The following uses and activities may be allowed on a legal parcel designated Agricultural-Special subject to Chapter 5 - Conditional Use Review, Chapter 14 - Scenic Area Review, and Subsection D, Conditional Use Approval Standards, as well as any other listed or referenced standards.

1. New livestock grazing. Any operation that would introduce livestock to land that has not been grazed, or has lain idle, for more than 5 years shall be considered new livestock grazing.
2. New fences, livestock watering facilities, and corrals.

3. Soil, water, and vegetation conservation uses.
4. Replacement or minor expansion of existing and serviceable structures within a dedicated site. Expansion shall be limited to the dedicated site.
5. Fish and wildlife management uses, educational activities, and scientific research.
6. 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.
7. Single family dwellings that are not in conjunction with agricultural use, if a land owner demonstrates that:
 - a. The dwelling cannot be constructed on a portion of the parcel that is located outside of the natural area, and
 - b. The dwelling is sited and designed in a manner that minimizes adverse effects to the natural area.
 - c. All dwellings shall meet the following standards:
 - (1) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;
 - (2) The subject lot/parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the tract. Size alone shall not be used to determine whether a lot/parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject lot/parcel to be utilized in conjunction with other agricultural operations in the area;
 - (3) The dwelling shall be setback from any abutting parcel designated as Agriculture as required in the setback standards listed in 3.120(G), Large Scale Agriculture Zone. The dwelling shall be setback from any abutting parcel designated Forest as required setback standards in 3.140(G) Property Development Standards for the Industrial Forest zone.
 - (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 Agriculture or Forest;
 - (5) All owners of land in areas designated Agriculture or Forest within five

hundred (500) feet of the perimeter of the subject lot/parcel on which the dwelling is proposed to be located have been notified and given at least ten (10) days to comment prior to a decision;

- (6) The County Assessor has been notified that the parcel is no longer being used as farmland; and
 - (7) Request has been made to the County Assessor to disqualify the parcel for special assessment under ORS 308A.315, or 321.839;
 - (8) The lot or parcel on which the dwelling will be located has been legally created.
- d. The buffer standards for dwellings may be varied according to Chapter 6, if the standards prevent the optimum siting of a dwelling for scenic, cultural, natural or recreational resources.
8. Recreation uses, subject to Section 14.510.
 9. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
 10. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to Section 10.100 (Resource Enhancement Projects). 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).
 11. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
 12. Property line adjustments, subject to Section 21.200 – (Property Line Adjustments).

D. Conditional Use Approval Standards

In addition to the general standards and conditions that may be attached to the approval of a conditional use as provided by Chapter 5 of this Ordinance, the following limitations shall apply to a conditional use permitted in Subsection C of this Section:

1. A range conservation plan is prepared in accordance with Subsection F, Range Conservation Plans before new livestock grazing commences; new fences, livestock watering facilities, and corrals are constructed; and soil, water and vegetation conservation activities are undertaken (Conditional Uses (C)(1),(2) and (3)). Range conservation plans are described below (see Subsection F, Range Conservation Plans).

2. The County shall submit all land use applications and range conservation plans to the Oregon Natural Heritage Program.
 - a. 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 County Planning Office.
 - b. The County 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 County shall make a final decision on whether the proposed use is consistent with the Agriculture-Special standards. If the final decision contradicts the comments submitted by the state heritage program, the County shall justify how it reached an opposing conclusion.

E. Prohibited Uses:

Except for permitted and conditional uses, new uses shall be prohibited on lands designated Agriculture-Special. Prohibited uses include, but are not limited to:

1. Cultivation, including plowing, harrowing, leveling, tilling, or any activity that prepares land for raising crops by turning, breaking up, or loosening the soil.
2. Removal or clearing of native grasses, shrubs, and trees.
3. Single family dwellings and accessory structures, other than non-agricultural dwellings allowed as a conditional use.
4. Barns, silos, and other agricultural buildings.
5. Irrigation systems.
6. Exploration, development, and production of mineral resources.
7. Utility facilities, public use facilities, and roads.

F. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.240, Flood Hazard Overlay.

G. Range Conservation Plans

If a range conservation plan is required as per subsection D of this section, before a use is allowed, the range conservation plan shall be prepared by landowners in cooperation with range scientists from local conservation districts. Specialists from

the Oregon Natural Heritage Program should be consulted while the plan is being prepared.

1. 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. Re-establish native grasses in degraded areas that have been invaded by non-native plants and weeds.
2. Range conservation plans shall include the following elements:
 - a. Range Inventory. 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. 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. Grazing system that will be used, including number and size of pastures, expected livestock numbers, and grazing/deferral periods and sequence. Management plans should project livestock movements for at least three years.
 - d. Monitoring Program. Track annual progress of the conservation plan and condition of the range. Monitoring techniques shall be described, such as line transects or photographic plots.

