

# **GOALS AND POLICIES**

## **AGRICULTURAL LANDS**

Agriculture is the leading industry in the Marion County economy and it is a major user of land resources within the County. Marion County is also the leading farm revenue producing county in the state. This plus the tremendous diversity of crop type makes agriculture a dominate facet of life in Marion County.

Protection and preservation of farmland is primarily for the purpose of maintaining the soil resource and farm industry as a basis for food and fiber production now and in the future. Because of its dependence on the land resource, farming is sensitive to the effects of land use change and intensity. As explained in the rural issues and problems discussion, the division of land into small parcels and the presence of non-farm activities can drastically affect farm operations. Therefore, to achieve the goal of protecting and preserving the agricultural industry, non-farm activities in rural farm areas of Marion County must be strictly controlled.

It is further necessary to preserve and protect the maximum amount of the prime agricultural land resource in blocks as large as possible to help assure future commercial agricultural production. In areas having special or unique agricultural resource circumstances, the intent is to maximize agricultural production by intensifying management practices on a diversity of parcel sizes.

Preservation of this land has the secondary benefit of conserving the natural resources that are an asset to the physical, social and economic quality of life in Marion County. Public support for agricultural preservation has been repeatedly expressed through public workshops and hearings, advisory committee meetings and citizen attitude surveys.

Legislative policy and the Land Conservation and Development Commission Goal No. 3 on agricultural lands also indicates a need to preserve agricultural lands. This State Goal defines agricultural lands in western Oregon as land predominantly comprised of Class I - IV soils identified by the Natural Resource Conservation Service (NRCS) classification system and other lands which are suitable for farm use. Farm use is also defined as set forth in ORS 215.293 (2) (a) (1997 edition): .....“farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human use and animal use. “Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines, including but not limited to provide riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. “Farm use” does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured

Christmas trees as defined in subsection (3) of this section, or land described in ORS 321.267 (1) (e) or 321.415 (5). The State goal as amended in 1994 indicates that these lands shall be preserved by applying Exclusive Farm Use zoning consistent with the requirements in OAR 660-033. These statutes and rules define high-value farmland and establish review criteria for many of the uses allowed in EFU zones. As a result, the state land use program provides greater protection for high value farmland compared with other farmland protected under Goal 3.

Most lands presently in farm use in the County are of the Natural Resource Conservation Service agricultural soil capability Class I through IV. This soil classification system is explained in the Background and Inventory Report. The General Soils Map also included in the report shows the location and extent of the soil classes. Agricultural production is not limited to the Class I - IV soils, and soil fertility is not the sole determinant of what constitutes farmland. Therefore, it is necessary to describe more adequate criteria to define farmland in Marion County. The following criteria are used to determine which lands the agricultural preservation goal and policies should apply to.

- a. Soils that are suitable for agricultural production using accepted farming practices, especially Class I - IV soils.
- b. Areas of open land that are relatively free for non-farm conflicts.
- c. Areas that are presently in farm production or are capable of being farmed now or in the future.
- d. Those other lands that are necessary to protect farm uses by limiting adjoining non-farm activities.

Applying these criteria to the lands in the County reveals those areas that are defined as farmland to which farm zoning and the farmland protection policies will apply.

It is the intent of Marion County to maintain the ability to economically farm these lands by limiting conflicts with non-farm uses. This will be accomplished by prohibiting incompatible non-farming activities and by limiting land division to those compatible with agricultural needs consistent with the requirements of either ORS 215.213 or 215.283 and OAR 660-033.

The primary tools available to accomplish this goal are farm zoning and land division controls. Through the exercise of these controls, the agricultural industry can be maintained in the future. Even though land use controls can be effective in preserving agricultural lands, by far the most important aspect of this program is public attitude. Public support, particularly from farmers, farm related industry, and those people owning farm land in the County, is the real foundation upon which agricultural land preservation policies will be maintained.

Agricultural lands intended for preservation are shown on the Land Use Plan Map. There are two land use categories used to maintain agricultural production capabilities.

The first and most extensive is the Primary Agriculture designation which covers high value agricultural lands intended for preservation that are predominantly large scale, extensive, commercial agricultural operations. The second is the Special Agriculture designation that is applied to areas with a mixture of non-irrigated cropland, grazing, small scale or specialty farming, and non-farm homesites. Each is intended to recognize and protect the resource value of their respective areas, while using slightly different techniques.

## **PRIMARY AGRICULTURE**

Areas identified as Primary Agriculture on the Land Use Plan Map are intended, as the name implies, primarily for agricultural use in large commercial farm units. The existing commercial agricultural enterprise of these areas is characterized by extensive irrigated agricultural use, a large variety of crop types and a lack of significant areas of non-farm uses. And, quite importantly, there is widespread support from property owners for maintaining these areas for the exclusive use of farming and protecting them from non-farm conflicts. These areas are the foundation of the agricultural industry in Marion County and are intended to be maintained for long term agricultural production.

The intent of the Primary Agriculture designation will be implemented by applying the EFU (EXCLUSIVE FARM USE) zone. To make the farmland protection program effective it is necessary to apply the Primary Agriculture designation and consequent EFU (EXCLUSIVE FARM USE) zoning to large areas and in a blanket-like manner. Those lands on which EFU zoning is applied are predominantly high value farmland with Class I - IV soil classifications. There are, however, intermingled, occasional parcels that are not economic or commercial farm units by virtue of size, shape, soils or use. Where they are few in number and in areas, these parcels are included within the Primary Agriculture designation to maintain the solidarity and preference for the farming community and to minimize conflicts on surrounding lands. Often these parcels can be leased for farm use or be combined with a farm operation. Allowing them to be divided into even smaller parcels encourages non-farm uses and increases the potential for conflicts with farming operations on adjacent lands. For the same reason, it is important that any marginal farmland be retained in a commercial agricultural unit. In EFU zones maintaining the land in large tracts is preferred over attempts to increase productivity by creating smaller management units. There are many smaller tracts existing within the zone that can be used to support intensive small scale farm operations that need high value farmland.

The EFU zone applies, at a minimum, use limitations on high value farmland included in OAR 660-033 and ORS 215.283. It does not allow lot of record dwellings [OAR 660-033-130 (3)], nor does it allow creation of new non-farm dwelling parcels [OAR 660- 033-199 (11)] because these uses are not compatible with the intensive agricultural practices common on high value farmlands. Farm and forest uses and other activities necessary to accommodate agricultural production are the main uses allowed on these primary agricultural lands.

Additional uses which should be allowed are certain forest related uses and natural resource uses. Dwellings in conjunction with farm use are allowed if past income from the sale of farm products demonstrates that the farm use is a commercial agricultural enterprise. Certain businesses conducted in dwellings or in conjunction with farm use, mineral, aggregate, oil and

gas uses, transportation uses, utility and solid waste facilities, parks and other public and non-profit uses as prescribed in ORS 215.283 and OAR 660-033 may be allowed as a conditional use subject to meeting criteria that ensure there are no significant impacts on farming and other natural resources and that the use will have adequate services.

In primary agricultural areas, non-farm residences are considered a secondary use having a low priority and represent a potential farm use conflict. Where conflicts occur between non-farm residents and farming, the non-farmers are considered the intruders and are expected to tolerate necessary farm practices on adjacent lands and to control conflicting activities on their land. Where the property is predominantly on non high-value soils and compatibility and service criteria can be met non-farm residences may be permitted as a conditional use on existing parcels within the Primary Agriculture area. The approval of non-farm residences shall be based upon a critical determination of compliance with the applicable criteria.

Only where there is a tight cluster of a number of small parcels that are developed or committed to non-farm related residential or other developments are such areas considered appropriate for designation for location of other non-farm uses and justifiable as exceptions to the Agricultural Goal. Careful consideration shall be given to the adverse impact on the integrity of the farmland preservation program when considering the approval of non-farm uses in the midst of areas designated Primary Agriculture.

An important aspect of the agricultural preservation program is the control of land divisions to maintain parcel sizes adequate to continue the commercial agricultural enterprise in the area. Unless the County determines that there are areas where a smaller minimum parcel size is appropriate, the state statutes and rules provide that the minimum parcel size be at least 80 acres. In the primary agriculture designation there are areas where, because of the requirements of commonly grown crops, parcels represent field sizes larger than 80 acres. To ensure the continued availability of land in parcels large enough to efficiently farm, land divisions are regulated to ensure that new parcels are consistent with the size of existing fields in the vicinity. This is achieved by increasing the minimum parcel size requirement where the average of all farm parcels in the immediate vicinity is more than 80 acres.

Other land division criteria are included in the zone to ensure that parcels created for any approved non-farm uses are no larger than necessary to accommodate the use, and that lot line adjustments involving parcels smaller than the minimum are consistent with the intent of the designation.

### **SPECIAL AGRICULTURE**

The special agriculture land use designation identifies less extensive and specialized rural agricultural areas. The purpose of this designation is to identify, for special treatment, those lands in Marion County that are characterized by small scale commercial farm enterprises or areas with a mixture of good and poor farm soils where the existing land use pattern is a mixture of large and small farm units and some acreage homesites. This classification is based on the premise that protection of Class I through IV soils in areas of mixed soil classification is feasible and desirable and that existing and potential productivity of the land resource can be protected.

It also recognizes that protection of farm soils need not preclude the use of significant areas of poor farm soil for rural residential use. These lands are characterized by a diversity of existing conditions that include:

- a. Predominantly poorer hill soils with fewer crop type choices, often involving specialized crops. Typical soil types are a mixture of Class II through VI for agriculture.
- b. Generally a mixture of parcel sizes ranging between 5 and 40 acres.
- c. Existence of, or potential for, hobby or small farming units that are not full-time commercial operations.
- d. Special terrain, vegetation or other land conditions that could allow additional small farms with residences to be located without adversely affecting commodity production from the area.

The type of crops grown in the Special Agriculture area are predominantly orchards, grass seed and grains, grazing and a few specialty crops such as wine grapes and Christmas trees. The area is lacking in groundwater for irrigation. Due to steep slopes and soil characteristics there is high erosion potential in many areas. The area is in a transition from the larger, marginal more extensive agricultural enterprises to smaller part-time farm units. Because of the marginal soil types, small lot parcelization and existing scattered non-farm development, the few remaining larger scale farm operations are being phased out. Limited crop selection and environmental constraints on certain crops, such as grass seed production, work a greater hardship on the farming interest in the Special Agriculture area than on the prime agricultural lands. Many parcels in the Special Agriculture area are idle or are sparingly used with such activities as sheep grazing. Large scale orchard operations of the past have largely disappeared in favor of smaller scale intensively managed orchards and other specialty crops.

A few areas have good to marginal timber site class capability and there are scattered patches of existing marketable trees throughout the area. As the trees are harvested very few land-owners are investing in reforestation of their land. Instead, it is either placed in a small hobby farm operation or it remains idle. There is value in maintaining the existing forested areas for harvest. However, it is questionable whether there is significant interest or potential to encourage long-term timber production for most of these lands. The same factors that are limiting agricultural production are limiting timber production in the areas: small lot parcelization, existing development and close proximity to Salem's urban area. The forested parcels in the Special Agriculture area will be treated as a secondary farm related resource that is in transition to other uses, primarily small scale farming. Since these areas are not well suited to long-term timber land production, the SA (SPECIAL AGRICULTURE) zone will attempt to protect the existing timber resource and after harvest, allow their conversion to smaller parcels that, based on personal choice, may be used for small woodlots or small farms.

It is the intent of the Special Agriculture designation to recognize and encourage the transition of these lands into a more efficient and intensive agricultural area of special commodity production. This will be accomplished by discouraging speculation on the conversion of good farmland to

homesite development and encouraging more intensively managed small farm units of generally 20 acres and larger in size.

A review of the existing parcel sizes in the SA areas finds 83 percent of the total parcels smaller than 20 acres while 70 percent are less than 10 acres in size. With this kind of small lot parcelization having occurred in the past, it is evident that most of these parcels are not large scale commercial farming enterprises. Scattered in amongst these small lots are the remnants of the past agricultural pattern of the area. Almost all of these are in either grass seed production, pasture, timber production or are idle. Owners of these parcels have indicated that these operations are marginal and it is becoming increasingly difficult to operate, particularly grass seed.

To encourage retention of agricultural production capabilities, a shift to more intensified small farm operations for this area is encouraged. It is the intent of the SA designation to preserve the existing commercial farming activities while encouraging the transition to higher production capabilities through more intensive farm operations where appropriate.

It is the intent of the Special Agriculture classification to allow no more than one dwelling for smaller farm units. These small farms are suited to management by the resident landowner so additional dwellings are not needed. These areas are not intended for management practices that are incompatible with interspersed dwellings or specialty crops.

As with the Primary Agriculture designation an important part of the Special Agriculture designations' agricultural preservation program is the control of land divisions. Unless the County determines that there are areas where a smaller minimum parcels size is appropriate the state statues and rules provide that the minimum parcels size to be at least 80 acres. Other land division criteria are included in the zone to ensure that parcels created for any approved non-farm uses are no larger than necessary to accommodate the use, and that lot line adjustments involving parcels smaller than the minimum are consistent with the intent of the designation.

The Oregon Administrative Rules under Section 660-06-050 and 660-33-0145 authorizes agriculture/forest zones in accordance with both Goals 3 and 4. Marion County, in areas of mixed farm and forest uses, has applied a Farm/Timber designation and a Farm/Timber zone. This designation and zone are discussed in the Forest Lands section of the Comprehensive Plan.

### **AGRICULTURAL GOAL**

To preserve and maintain agricultural lands for farm use consistent with the present and future need for agricultural products, forest and open space.

### **AGRICULTURAL LANDS POLICIES**

1. Preserve lands designated as Primary Agriculture by zoning them EFU (EXCLUSIVE FARM USE). Lands designated as Special Agriculture should be protected by the corresponding SA zone and farmland in the Farm/Timber designation should be protected by the Farm/Timber zone.

2. Maintain primary agricultural lands in the largest areas with large tract to encourage larger scale commercial agricultural production.
3. Discourage development of non-farm uses on high value farmland and ensure that if such uses are allowed that they do no cause adverse impacts on farm uses..
4. Limit residential uses on high value lands to those dwellings where past income from the sale of farm products demonstrate that the dwelling will be in conjunction with the farm use. Non-farm dwellings should be limited to existing parcels composed of non-high value soils where the dwelling will be compatible with the surrounding farm area. The approval of non-farm residences shall be based upon findings that the proposed dwelling meets the applicable criteria in OAR 660-033. Approval of a dwelling in the Farm/Timber designation shall be based on the applicable criteria in OAR 660-033 or OAR 660-006.
5. Divisions of agricultural lands shall be reviewed by the County and comply with the applicable minimum parcel size and the criteria for the intended use of the property.
6. Farmland should be taxed at agricultural use value.
7. Additional housing allowed on farmlands shall be necessary for farm management purposes. These dwellings shall be manufactured homes so they can be removed when not needed, or be occupied by a relative of the farm operator and sited on the same parcel as the principal dwelling. A deed restriction shall be recorded requiring removal of the dwelling when the occupancy or use no longer complies with the criteria or standards under which the dwelling was originally approved.
8. The location of new dwellings must comply with density limitations intended to protect major and peripheral big game habitat.
9. When creation of a non-farm parcel is warranted, the size of the parcel shall be as small as possible to preserve the maximum amount of farmland in the farm parcel. Requirements may need to be imposed when non-farm parcels are allowed in farm use areas to minimize the potential for conflicts with accepted farm management practices on nearby land. These may include special setbacks, deed restrictions and vegetative screening.