

CHAPTER 14 FINDINGS AND RECOMMENDATIONS

A. Justifications for Minimum Lot Sizes

Goal #3 states that "minimum lot sizes as are utilized for any farm use zones shall be appropriate for the continuation of the existing commercial agricultural enterprise within the area". The minimum lot sizes in the exclusive farm use zones are twenty (20) acres and eighty (80) acres. The justifications for these lot sizes are as follows.

1. A-1(20)

The A-1 (20) zoning has generally been applied to the orchard lands surrounding The Dalles and lying to the south of Mosier. The average lot size for all orchard lands in 1976 was 42.2 acres and was approximately forty (40) acres in 1980 (Jack Thienes Telephone Conversation) However, this does not represent the true picture of orchard sizes in the County; nor does it address the Goal 3 requirement stated above.

The question of what is a "commercial agricultural enterprise" has been wrestled with for several years in Oregon by many of the agricultural experts in government, universities and businesses. Everyone has a general idea or understanding of the answer, but no one has yet been able to precisely define it; and perhaps that is best. Defining a commercial orchard enterprise in Wasco County is also extremely difficult. Everyone knows an orchard when they see one, but each of the 150 orchards in Wasco County has their own unique set of circumstances which makes a single definition improbable and impractical. Each orchard operates differently but many have common characteristics.

One characteristic common to most, if not all, of the smaller orchards is that the orchard enterprise is not the sole source of income for the owner. The idea then that lot sizes must be large enough to ensure that one can make his livelihood solely from the orchard enterprise is simply not valid. ["1000 Friends" letter; July 31, 1981, Page 6, U 3].

The smaller orchards make up the majority of all orchard lands within Wasco County. There are currently 150 orchards comprising 6,000 acres. The ten largest orchards involve 2,690 acres, leaving 3,310 acres for the remaining 140 orchards.

No one would argue that the small orchard enterprises are not important to the overall fruit processing economy of Wasco County. The large orchards have been described as the backbone of the fruit industry. That being the case, and carrying the analogy further, the small orchards must then be the heart. If the opportunity for buying and operating a small orchard should be eliminated by excessively large minimum lot sizes, an acceleration of the consolidation of orchards, which is already occurring, would result. Many people who might want to begin operating a small orchard or those who want to expand an existing

orchard under these circumstances would be disappointed because they could not afford the price of the larger parcels nor the equipment necessary to maintain a large operation.

The following analysis of the sample area of orchard lands in Wasco County helps to illustrate the justification for the twenty (20) acre minimum lot size.

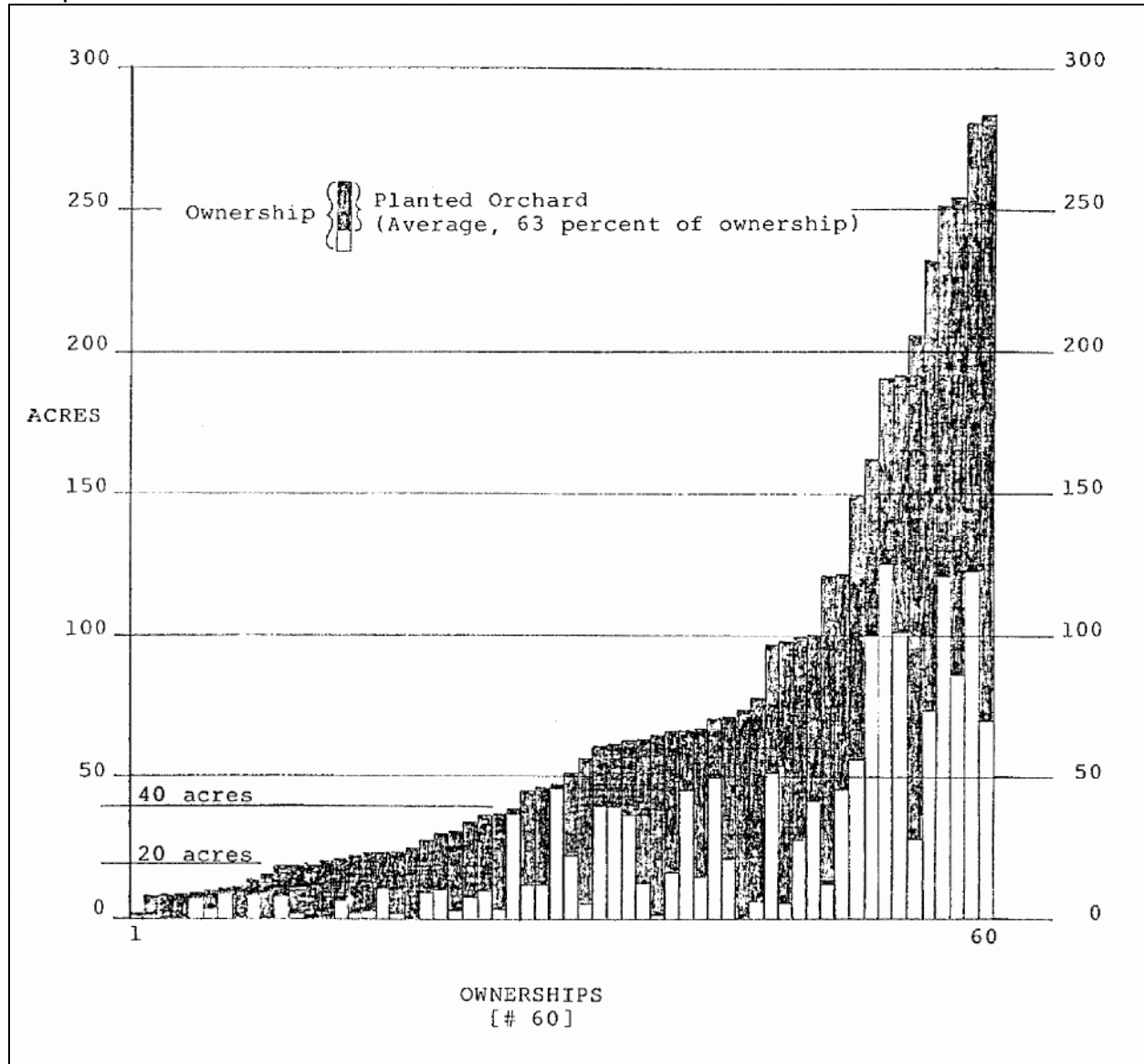
In order to get a better understanding of what constitutes a commercial orchard enterprise, a sample area of approximately eight (8) square miles was chosen in the heart of the orchard lands just south of the City of The Dalles. All of the sections 8, 9, and 10 (outside of the urban growth boundary), and all of sections 15, 16, 17, 21, 22 and those portions of sections 7, 11, 14, 18, 20, 23, 27 and 28 which had contiguous ownership parcels in Township 1 2 North, Range 13 East, were included. Ownerships for all lands within this sample area were established on an overlay of the Assessor maps. All lands planted in orchards were then drawn over the ownership patterns. The orchard lands information was traced from Agricultural Stabilization and Conservation air photos taken in 1979. All ownerships which had planted orchards were included in the analysis. Those ownerships larger than one acre within the sample area which had no planted orchards were removed and analyzed separately. All ownerships less than one acre were totally removed. (This was a small number and the parcels generally occurred close to main roads or other built areas).

The results of the ownership and planted orchards analysis show that on an average, 63 percent of each ownership was actually planted in orchards. Steep slopes, roads, home sites, creek bottoms and other topographic circumstances accounted for most of the unplanted area. It follows, then, that the argument of calculating a minimum lot size based strictly on ownership alone has little validity. ["1000 Friends" letter; July 31, 1981, page 6].

The graph shows that having a twenty (20) acre minimum lot size would protect 27 commercial orchard enterprises in the sample area of 60 owner-ships (almost half) from being further partitioned. A forty acre minimum would protect only 17 more. Clearly, minimum lot size alone cannot protect the backbone orchards unless the minimum lot size is above 300 acres. Protection of those orchards must be accomplished by some other means. Wasco County has provided protection of the large orchards by not allowing subdivisions in exclusive farm use zones. This provision provides the protection needed by the large orchards.

Additionally, protection of the continued operation of the small orchards would be achieved best with a twenty (20) acre minimum lot size. The graph of Non-Orchard Ownerships illustrates this fact. Twenty-six (26) of the 29 ownerships in the sample area that are without planted orchards could not be further partitioned. This would prevent any additional non-orchard developments which could interfere with existing orchard operations. Thus, the twenty (20) acre minimum lot size in the A-1 (20) zone is fully justified.

Figure 1 – Graph of Ownership and Planted Orchard – Sample Area Approximately 8 Square Miles



2. A-1(80)

The vast majority of Wasco County has been zoned exclusive farm use, eighty (80) acre minimum lot size. These areas are composed of wheat and range land.

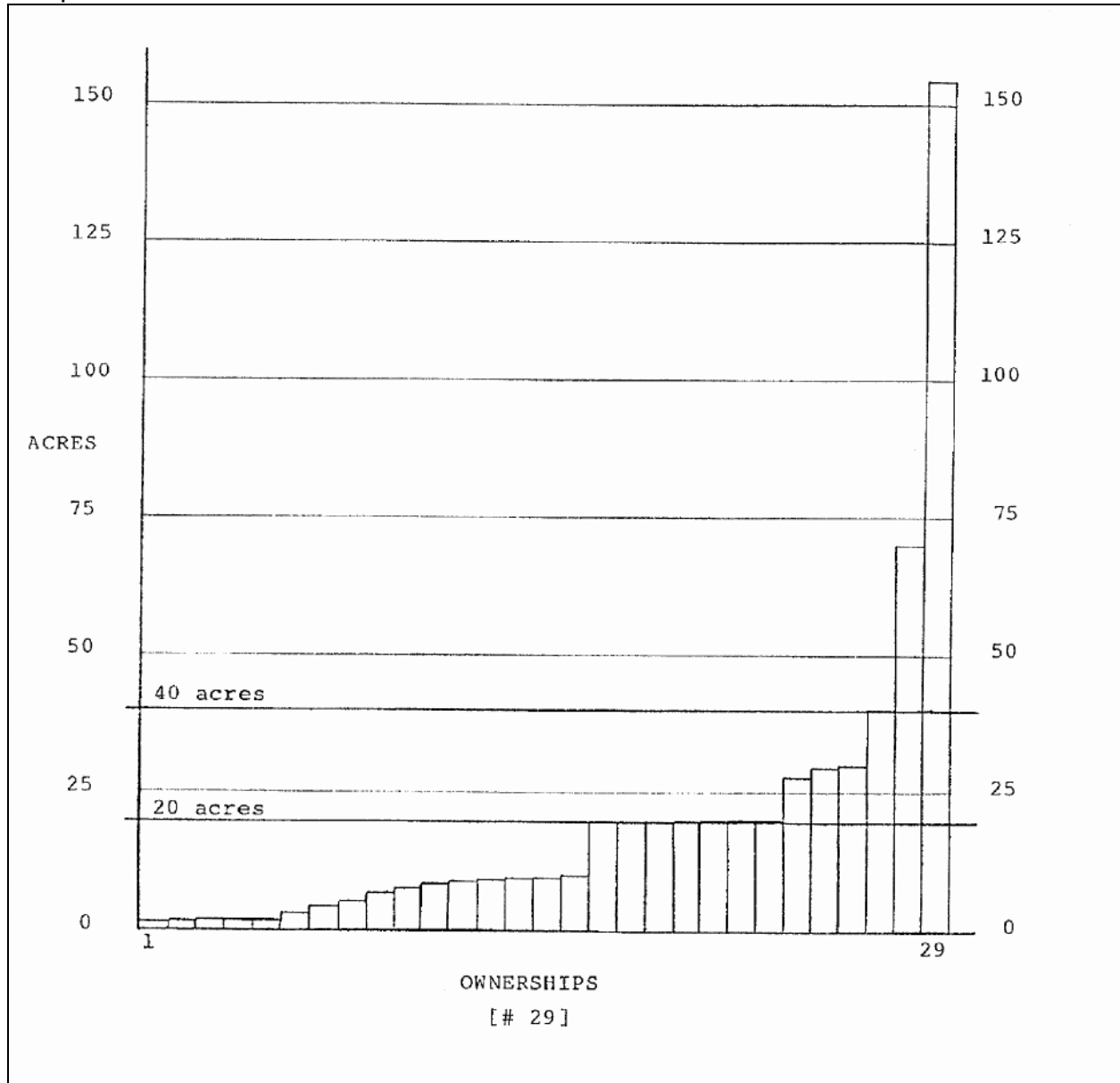
Although no detailed analysis like that done for orchard lands was done for wheat and range land, many of the same arguments and rationale hold true. Approximately 1,500 to 2,000 acres, or more is needed to "make a living" in these areas of the county. However, Goal 3 does not require that a minimum lot size be established to allow someone to make a living. It does require a lot size which will allow the commercial agricultural enterprise that already exists to continue. During the past thirty to forty years the number of farms has been decreasing and farm size increasing; minimum lot size will have no effect on this

trend. This fact can be clearly demonstrated in Wasco County. For eleven years, from 1969 to 1980, wheat and range lands were zoned twenty (20) acre minimum, yet the trend toward larger farms continued throughout that period.

Again, as was the case for orchard lands, to pre-vent the large ranches of 2,000 acres or more from being divided a minimum lot size of 1,000 acres or more would be needed. It is clear that protection of those farms must be accomplished by some other means. As with orchard lands, subdivisions will not be permitted in any exclusive farm use zone. This provision provides the protection needed by the large ranches.

Although the cost of range land is relatively low, the costs to establish a residence are extremely high. The costs of electricity and water alone will discourage residential development on eighty (80) acre parcels and will not be affordable for most people. The eighty (80) acre minimum lot size does preserve the area's commercial agricultural enterprises and is fully justified.

Figure 2 – Non-Orchard Ownerships – Within Orchard Land Sampled, Approximately 8 Square Miles



3. F-2(40) and F-2(80)

The "F-2 (40)" and "F-2 (80)" forest zones have very limited permitted uses and conditional uses that are generally compatible with primary timber management. Due to the high cost of these lands, the forty (40) and eighty (80) acre minimum lot sizes will be more than adequate to keep them in forest uses. Most of the lands zoned "F-2 (80)" is in either the Mt. Hood National Forest, White River Game Management Area or are private timber company holdings. These lands are adequately managed for forest, recreational and open space uses.

The area zoned "F-2 (40)" is considered sensitive big game habitat. Again, the Department of Fish and Wildlife has stated that they are supportive of this lot size for the area. Forty to 79.99 acre lots are the most frequently occurring lot size in the area. The forty (40) acre zone would protect (would prohibit further partitioning of), 78% of the lots. The forty (40) acre zoning is adequately justified.

4. F-1(80)

The "F-1 (80)" zone has been applied to The Dalles and Dufur watersheds. These areas are currently managed under "The Dalles Municipal Watershed-Comprehensive Management Plan", and the Dufur City Watershed Management Plan.

These watersheds lie almost completely in the Mt. Hood National Forest. The very limited permitted and conditional uses and the large eighty (80) acre minimum lot size as well as the public ownership will adequately protect these lands from conflicting uses.

5. F-F(10) and F-F(40)

The Forest Farm zone is intended to protect the existing, limited forest and farm uses and to preserve scenic value Columbia-Gorge Aerial open space and wildlife habitat. The land uses identified within the Plan which are compatible with wildlife habitat (pages 65-82) include open space, agriculture and forest. The "FF-10" and "FF-40" zones limit development of non-farm uses to ten percent of any parcel, thus preserving open space and wildlife habitat. Growing trees for timber production has not been determined to be a significant forest use in this zone. Because of this, no conflicts with timber production activities, such as spraying, will occur within this area. The forty (40) acre Forest-Farm zone has been applied to lands within the Columbia River Gorge Boundary to help protect the open space and scenic value of this valuable resource.

The only exception to the forty (40) acre zone in the Columbia Gorge occurs adjacent to The Dalles Urban Growth Boundary. This area contains approximately 266 acres and is surrounded on three sides by committed lands and the new Urban Growth Boundary. The area is within the previous Urban Growth Boundary and does not include any significant scenic quality. Two properties currently contain gravel and rock quarry operations. Both quarry operations are conditional uses which require that the operations are not visible from the major highways in the Gorge. Due to the existing uses, the lack of scenic quality and the development which surrounds this area on three sides, the "FF-10" zone which allows a smaller minimum lot size provides an adequate buffer and is the most appropriate zone classification for this area.

The Forest-Farm zones together total 20,044 acres. Of this total, 11,523 acres are in the "FF-40" area and 8,521 acres are in the "FF-10" area. Seventy percent (70%) of the soils in the FF-40" zone are class VII and VIII-- non-agricultural soils. Thirty-five percent (35%) of the soils in the "Ff-10" zone are class VII and

VIII. In both zones, the soils in class VII and VIII are the predominant soils. The class VI soils are generally scattered through out both zones and occur somewhat dispersed among the other soil types. This tends to make farming soils more difficult because the least productive of the agricultural soils are found adjacent to the non-agricultural soils. If these least productive of the agricultural soils are added to the percentages of non-farm soils within the "FF-40" and "FF-10" zones, the results are: Eighty-two percent (82%) soils classes VI, VII, and VIII in "FF-40"; and sixty-seven percent (67%) soils classes VI, VII, and VIII in the "FF-10" zones. The soils in this portion of

Wasco County relate to the soils in Hood River County more than to the remainder of Wasco County. Hood River County needs to consider soils classes I through IV as agriculture soils. (Letter from Soil Conservation Service on soil types in Seven Mile Hill Area).

As a further demonstration that this area does not contain "other lands" which are suitable for farm use, only fifty percent (50%) of the ownerships or less in the Forest-Farm zones can qualify for a farm tax deferral. To receive a farm tax deferral, a landowner must only gross five hundred dollars within three of five years in farm production. Lot size is also a good indicator of the lack of other lands suitable for farm use. In the "FF-40" zone, the average lot size is 49.8 acres. In the "FF-10" zone, it is 36.33 acres. Historically, people who have tried to farm the area seriously would have to sell small parcels just to maintain ownership of the remainder of the farm. This resulted, in part, in the preponderance of small lot sizes within this area. Small tract subdivisions which occurred many years ago are additional evidence of the lack of agricultural value of this area. This area's lot size characteristics are much different from the wheat and grazing lands in the remainder of the county.

The lands suitable for grazing are generally over-grazed and are only used for a few months in the spring. Water availability at these higher elevations is not economically feasible. Only one small area this currently under irrigation and it occurs at a low elevation near the Columbia River. Existing wells produce only small amounts of water; more suitable for domestic uses.

The Forest-Farm zone does protect existing farming operations by permitting dwell non-farm uses only as conditional uses. Lands within the Forest-Farm zones have been zoned for ten acre lot minimum lot sizes for many years. The designation of Forest-Farm has placed additional protection of forest and farm uses by having more non-farm uses as conditional uses or by not permitting them at all.

The "FF-10" zone has been applied to the Shady Brook and Sportsman's Paradise subdivisions. These areas are generally underdeveloped and contain average lot - sizes of ten acres or under. Ownership is diverse and no farming is currently being done within these areas. Within this zone any non-farm related

dwelling will need to receive a conditional use permit thus protecting adjacent farming operations which may be occurring in the area.

See additional documentation in Revisions Document Related to F-F(10)

B. Goal 5 Issues

Goal 5 states that open space shall be preserved and natural and scenic resources protected. The administrative rule on Goal 5, adopted by the Commission on May 1, 1981, has given the means by which these resources should be inventoried and preserved. The conflict resolution process used for each Goal 5 issue is illustrated below.

1. Land Needed or Desirable for Open Space

Generally, all of the agricultural and forestry lands in the County could be considered as open space, in accordance with Goal 5. Other lands, such as the rock cliffs found in the Columbia Gorge, the Deschutes and John Day Scenic Waterways, the White River and The Dalles and Dufur Watersheds could also be considered as open space lands. Each of these areas is being protected by various methods, to preserve their natural and scenic properties.

The type of "conflicting use" most often found to occur in the above mentioned open space lands is residential development, either conventional homes or mobile homes. Each open space resource and the method of protection are noted below.

a. Agricultural and Forest Lands:

According to sections 3.120(2)(a) and 3.210(1)(c) of the Wasco County Zoning Ordinance, residences are permitted outright in the agricultural and forest zones only in conjunction with a farm or forest use. Section 3.210(2)(r) permits a residence not connected with a farm or forest use as a conditional use, based on conditions set forth in section 3.120 (3), 3.210(3) and Oregon Revised Statutes 215.263. These conditions and the density requirement of each zone provide adequate protection of the farm, forest and open space resource. Other conditional uses must comply with the same conditions as mentioned above.

b. Columbia Gorge:

The Columbia Gorge, (as defined by Oregon Revised Statutes 390.460), is being protected from conflicting uses by the placement of the Environmental Protection District (EPD) Overlay zone, Section 3.700 of the Wasco County Zoning Ordinance. This overlay allows farm and forest uses, some utilities and re-creational use to occur, and dwellings in connection with farm or forest uses, provided they are constructed of materials which will minimize adverse impacts to the scenic values of the Gorge. All other uses permitted in the primary zone, either permitted out-right or as conditional uses, are considered

as conditional uses in the Environmental Protection District zone. The conflicting uses are allowed, but are specifically limited.

c. The Deschutes and John Day Scenic Waterways:

These waterways are protected by the State Scenic Rivers Act and the E.P.D. Division 5 (§3.755(5)).

d. The White River:

The White River Canyon (generally from rim to rim), has been designated as a natural area by the Nature Conservancy and Wasco County, and protected by the placement of the Environmental Protection District zone. Due to the Environmental Protection District zone, topography and nature of the canyon, (very few roads exist in this area), the threat of conflicting uses damaging this resource is negligible. The resource is adequately protected.

e. The Dalles and Dufur Watersheds:

These municipal watersheds are both zoned "F-1 (80)", which does not allow residential uses in any form, either as permitted use or conditional uses. Generally, only farm and forest uses and uses to maintain and enhance water quality and supply are permitted.

2. Mineral and Aggregate Resources

As stated in the Goals and Policies under Goal #5, rock and aggregate resources will be identified and protected by placement of the Environmental Protection District zone.

Extraction of these resources is a conditional use in the agricultural and forestry zones and a permitted use in the manufacturing zones.

Generally, residential uses are the uses which come into conflict with the extraction of aggregate and mineral resources. The provisions of the Environmental Protection District Division 5 overlay zone provide the protection necessary for all aggregate sites.

3. Energy Resources

Wind provides the most encouraging potential new source of energy in Wasco County. Privately owned and used wind generators are permitted in the farm and forest zones as customary accessory uses to any of the permitted uses [see Section 3.120(1)(f) and 3.210(1)(c).] If the owner of a wind generator sells excess electricity to a Utility, the Ordinance permits it as a utility facility necessary for public service [see Section 3.120 (1)(d) and 3.210(1)(d).]

Large-scale, commercial wind farms are considered as conditional uses in the A-1 Exclusive Farm Use zone and the F-F Forest-Farm zone. The limitations on conditional uses set forth in each section of the Ordinance and in Chapter 5

(Conditional Use Permits), must be addressed before the conditional use may be granted.

Exploration for geothermal resources is treated in a similar manner. It is considered as a conditional use in the agricultural zones, subject to the provisions in Chapter 5 of the Ordinance.

4. Fish and Wildlife Areas and Habitats

Big game herds are considered to be a valuable resource that was being threatened and in danger of being damaged. To remedy this situation, the placement of low density zoning requirements and stream setbacks were used to protect the resource. The development densities of one dwelling unit per forty (40) acres north of the Willamette Base Line and one per eighty (80) acres south of the Line were sanctioned by the Department of Fish and Wild-life as being adequate to maintain big game herds in the sensitive big game winter range area.

5. Ecologically and Scientifically Significant Natural Areas, Including Desert Areas

Natural areas have been identified and protected by the placement of the Environmental Protection District zone. None of the identified natural areas contain lands owned by private timber companies. No conflicts exist in the timber lands.

The Environmental Protection District zone allows for farm and forest practices to continue. The property owners that were contacted generally felt that there would be no conflicts with use of their land and protection of a natural area.

6. Outstanding Scenic Views and Sites

Outstanding scenic views and sites are generally those in the Columbia Gorge, the Deschutes and John Day Scenic Waterways and the White River Canyon. Protection of these areas has been discussed previously.

7. Water Areas, Wetlands, Watersheds and Groundwater Resources

Generally all water areas and wetlands are managed and protected by the State of Oregon. Occasionally, conflicts between recreational uses and agricultural uses exist, and are resolved at the State level. If the conflict is concerning water rights, the issue is resolved by the County Water master.

8. Wilderness Areas

There are no designated wilderness areas in the County.

9. Historic Areas, Sites, Structures and Objects

Thirty historic sites have been designated in the County. Only four of the sites are included in the "Statewide Inventory of Historic Sites and Buildings", for Wasco County, (Department of Transportation, 1976). These sites have been protected by the placement of the Environmental Protection District zone. Any

alteration or building of a structure that would have a detrimental effect on a historic site, as determined by the Planning Commission or County Court, based on input by the Historic Landmarks Advisory Committee, will not be permitted.

10. Cultural Areas

Cultural areas include archeological resources, as well as historic sites. Any proposed conflicting uses will be considered in light of the conditions set forth in the Environmental Protection District overlay zone.

11. Potential and Approved Oregon Recreation Trails

There are currently no Oregon recreation trails in Wasco County. The Columbia Gorge trail, which may pass into the county in the distant future, would fall under the conditions set forth in Section 3.755 of the Zoning Ordinance, which also affects the Columbia Gorge.

The Pacific Crest Trail, which passes through the County, is considered a part of the State Trail system. This trail, however, is located in the National Forest and is managed and maintained by the U.S. Forest Service. No conflicts exist in relation to any Oregon recreation trails.

12. Potential and Approved Federal Wild and Scenic Water-ways and State Scenic Waterways

At the present time there are no Federal wild and scenic rivers in the county and no knowledge of any potential for such a designation. State Scenic Waterways have been discussed previously (see Item 1 (c).)