

Goal 3

Agricultural Lands

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Overview

Goal 3 is one of the most critical goals for Wasco County, as 76% of the land outside the incorporated areas and National Scenic Area is zoned Exclusive Farm Use. Wasco County has two EFU zones, A-1 (160) and A-1 (40) which reflect the different types of crop production including orchards, wheat, hay, alfalfa and livestock grazing.

Agricultural lands are one of two resource zones in Wasco County. Resource zones make up the foundation of the Oregon Statewide Land Use Planning program's goal to preserve farm and forest lands for future resource use.

Oregon Revised Statutes 215.243 defines the Oregon Agricultural land use policy:

The Legislative Assembly finds and declares that:

(1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.

(2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.

(3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.

Historical Perspective

Wasco County has had agricultural land regulations since the inception of its planning program in the 1950s. In 1953, there was a county subdivision ordinance that required review of new plats by the planning commission. Portions of the County had a zoning ordinance as early as 1955, and in 1956 agricultural districts or zones were established to limit uses.

In the A-1 zone in 1956, there were nineteen permitted uses. Many of the permitted uses are similar to those still allowed outright or through permits in the agricultural zones today.

By 1963, the Oregon legislature codified the Exclusive Farm Use (EFU) zone and allowed uses (ORS 215). Coupled with the farm tax deferral program, started in 1961, the vision to conserve farmland for agricultural use was clearly established.

In 1970, Wasco County adopted two additional agricultural zones, A-2 and A-3, as well as two forest zones, F-1 and F-2. These new zones established conditional uses, above and beyond permitted uses, for resource zones.

Senate Bill 100, adopted in 1973, created the statewide land use planning program and its "priority consideration" over resource zones, including agricultural lands. This bill "reasserted state level authority over land use policy and zoning" (Sullivan and Eber, 8). This bill established the Land Conservation and Development

(4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones. [1973 c.503 §1]

Commission and the Statewide Planning Goals that directed further iterations of Wasco County's land use plans.

In 1983, the Comprehensive Plan identified 20 acre and 80 acre EFU zones. In 1996, Wasco County adopted new EFU provisions in response to 1993 HB 3661, which included rezoning all EFU lands to 160 acres.

In 1998, Wasco County was awarded a Go Below to zone orchard lands at a 40 acre minimum parcel size in keeping with their high value crops and ability to produce high returns on smaller parcels of land. This was also consistent with historic agricultural practice in the orchard areas.

Significant work was done in the 1990s and 2000s by a special advisory group called the Agricultural Resource Group. This group set many of the setbacks, allowances, and additional restrictions above and beyond state law present in the Land Use and Development Ordinance (LUDO) up until Wasco County 2040.

In 2016, Wasco County was awarded a grant from DLCD that produced an independent audit of the LUDO in comparison with the recently developed Model Code for resource zones. This audit will be used for future LUDO updates, to ensure compliance with state law.

**Statewide Planning
Goal 3**

**To preserve and maintain
agricultural lands.**

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.

Excerpt from OAR 660-015-0000(3)

Cross Reference

Additional policies related to this goal: Goal 1, 2, and 14

Wasco County Goal

Agricultural Lands

To preserve and maintain agricultural lands.



Policies

3.1.1 Maintain Exclusive Farm Use zoning consistent with state law for continued preservation of lands for resource usesⁱ.

Implementation for Policy 3.1.1:

- a. Maintain Exclusive Farm Use zone consistent with ORS 215.203 to 215.327, 215.700 to 215.710, and 215.760 to 215.794 to qualify for special farm use assessment as set forth in ORS 308.370 to 308.406.
- b. Minimum lot sizes in agricultural zones shall be appropriate for the preservation of ground water resources, continued agricultural use and aesthetic qualitiesⁱⁱ.
 1. Commercial activities in conjunction with farm use shall be allowed as conditional uses in the Exclusive Farm Use zoneⁱⁱⁱ.
 2. Non-farm uses permitted within farm use zones adopted pursuant to ORS 215.283 should be minimized to allow for maximum agricultural productivity.
 3. Non-farm dwellings within the Exclusive Farm Use zone may be permitted with a conditional use permit in accordance with the provisions of ORS 215.283
 4. Subdivisions and Planned Unit Developments will not be permitted in the Exclusive Farm Use zone.

3.1.2 Where rural agricultural land is to be converted to urban land, the conversion shall be completed in an orderly and efficient manner.

Implementation for Policy 3.1.2:

- a. Conversion of rural agricultural land to urban land and shall be in accordance with Goal 14, Policy 1, A-E and the statewide land use planning program, which typically requires an exception to Goal 3^{iv}.
- b. Extension of services, such as water supplies, shall be appropriate for proposed urban use.
- c. Pre-existing farm dwellings occupied on a rental or lease basis shall not justify the partitioning of good agricultural land or smaller acreage tracts in farm use zones.
- d. Encourage the development of conservation plans utilizing Best Management Practices (BMP's) as developed by Wasco County Soil and Water Conservation Districts as defined by its standards and specifications.

- e. The opportunity for review and comment shall be provided for citizen groups in the development of plans for the location of utilities such as power line and highways which may adversely impact agricultural lands.
- f. Normal agricultural practices (aerial pesticide applications, burning of pruning, dust and noise by machinery) shall not be restricted by non-agricultural interests within agricultural areas^v.

3.1.3 Land division criteria and minimum lot sizes used in areas designated as agricultural by the Plan shall be appropriate for the continuation of existing commercial agricultural enterprise in the area^{vi}.

Implementation for Policy 3.1.3:

- a. In order to promote the continuation of existing commercial agricultural enterprise in Wasco County, the zoning regulations shall provide for two classification of Exclusive Farm Use. The A-1 (160) Exclusive Farm Use zone shall have a minimum property size of one hundred and sixty (160) acres. The A-1 (40) Exclusive Farm Use zone shall have a minimum property size of forty (40) acres. Lands designated by the Comprehensive Plan as agricultural and containing acreages greater than or equal to the minimum property size of the appropriate zone classification shall be presumed to be commercial agricultural entities.
- b. Maintain EFU land division standards in the Land Use and Development Ordinance including:
 - 1. Divisions of agricultural lands for non-farm uses shall be consistent with all existing ordinances and the following criteria:
 - (a) Any residential use which might occur on a proposed parcel will not seriously interfere with usual farm practices on adjacent agricultural lands.
 - (b) The creation of any new parcels and subsequent development of any residential use upon them will not materially alter the stability of the area's land use pattern.
 - (c) The proposed division or use of the proposed parcels will not eliminate or substantially reduce the commercial agricultural potential of the area nor be inconsistent with the Goals and Policies of this Plan.
 - (d) Such divisions are consistent with the provisions of ORS 215.283 (2) and (3), ORS 215.243 and ORS 215.263 as applicable.

3.1.4 Encourage multiple purpose storage reservoirs and land and water reclamation projects which enhance and benefit agricultural land.

Implementation for Policy 3.1.4:

- a. Encourage individual farmers to develop soil conservation plans for each farming unit by coordinating land use planning with the United States Department of Agriculture and Wasco County Soil and Water Conservation Districts^{vii}.
- b. Allow agriculture-related uses such as multiple purpose storage reservoirs and water reclamation projects in the “A-1” Exclusive Farm Use zone.

3.1.5 Encourage agri-tourism activities that support commercial agriculture in Wasco County.

Implementation for Policy 3.1.5:

- a. Allow agri-tourism activities and uses allowed by state law in the Exclusive Farm Use zones^{viii}.
- b. Provide education materials and information that promotes appropriate agri-tourism activities and uses.
- c. Evaluate and amend provisions in the LUDO as needed and appropriate to ensure overall consistency with Wasco County 2040.

ⁱ Criteria and uses for EFU lands are defined through State law in Oregon Administrative Rules 660-33 and Oregon Revised Statutes 215.203-215.327, 215.700-215.710, 215.760-215.794.

ⁱⁱ Minimum parcel size in EFU lands are identified in ORS 215.780 as 80 acres for non-rangeland EFU, and 160 acres for rangeland EFU. Minimum parcel size requirements for EFU can also be found in OAR-033-0100.

ⁱⁱⁱ Consistent with uses authorized on agricultural lands, OAR 660-033-0120.

^{iv} Goal 2 (OAR 660-015-0000(2)) requires a goal 3 exception be taken to remove land from resource zoning and rezoned for urban uses. Urban lands also need to be consistent with Goal 14. Goal 14 typically impacts lands within the UGB around urban communities.

^v In 1993 (updated in 1995 and 2001), the Oregon Right to Farm law was adopted which the express intent to protect “growers from court decisions based on customary noises, smells, dust or other nuisances associated with farming”. The law also prohibits Wasco County from creating rules that deem such practices a nuisance or trespass (ORS 30.930).

^{vi} Consistent with minimum parcel size and division standards in state law.

^{vii} The Wasco County Soil and Water Conservation District prepares, typically in conjunction with research for NRCS and regional Universities, provides management strategies for different crops in a diversity of soil and water situations for agricultural production.

^{viii} Consensus among Wasco County 2040 participants indicated a wish to include all available provisions for agri-tourism, allowed by state law, in the LUDO, increase educational opportunities, and re-evaluate if problems or conflicts develop into the future.

References

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Sullivan, E., & Eber, R. (2008). *Farmland Protection in Oregon*. *San Joaquin Agricultural Law Review*, 18(1), 1-69.

Oregon Department of Agriculture. (2014). [*Oregon's Right to Farm Law*](#).

SOIL CAPABILITY CLASSIFICATIONS

