

A STUDY OF NONFARM DWELLINGS IN AN EXCLUSIVE FARM USE ZONE

by

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A STUDY OF NONFARM DWELLINGS IN AN EXCLUSIVE FARM USE ZONE

ABSTRACT. The proliferation of nonfarm residential dwellings into agricultural areas is a prominent factor in the loss of agricultural land. In Oregon, permits for nonfarm dwellings in an agricultural zone must meet certain state criteria. The criteria contain vague phrases which are open to interpretation. Decision makers apply soil criteria as well as social, economic, and locational factors for the determination of the importance of agricultural lands. This study found that the number of conflicts and problems between nonfarm residents and the surrounding farm practices has been minimal. In the study sample, conflicts in only one case resulted in a change of farm practices. The problems and conflicts identified in the study were largely accounted for in regions that contained large farm acreages and practices.

INTRODUCTION

Agricultural land in the past was regarded as a reserve of land from which other uses could be permitted as the need and demand rose. A prominent factor in the loss of agricultural land has been the growing demand of non-farm residential dwellings in rural areas.¹ The construction of highway systems, lower land values, utility extensions, available cheap energy resources, and multiple rural amenities are often cited factors influencing farmland conversion.²

The siting of incompatible uses, such as farming activities and nonfarm residential areas, presents many potential problems and conflicts.³ Often, conflicts result because people tend to overlook the fact that agriculture is an industry.⁴ Farming by-products have a way of spilling over to adjacent properties. The by-products of noise, odors, dust, and chemical spraying are frequently found to be disturbing by people who have moved to a rural area for quietness, solitude, and peace. On the other side, farmers are plagued with vandalism, trespassing, wandering domestic animals, and liability suits.⁵

Though farmland conversion is nationwide in its incidence, land use policies are held to be a matter of state and local concern rather than federal.⁶ Early land use controls grew from the concept of protecting surrounding property owners from externalities or spillover nuisances.

An individual was free to do as he wished with his land so long as it did not constitute a nuisance to his neighbor. The predominant policy for controlling the nuisances has been zoning. Zoning was one means of making clear the nuisances allowed in specific use zones.⁷

In recent years zoning has been widely used as an agricultural land retention technique.⁸ The effectiveness of zoning for agricultural land retention has been widely disputed. The most significant weakness of zoning is the yielding of the ordinances to changes by variances, zoning amendments, and conditional uses. The changes often happen in a piecemeal manner, slowly dissolving the objectives of the zoning ordinance.⁹

A large number of questions arise when evaluating whether or not a conditional use in an agricultural zone should be permitted. Most zoning ordinances have set forth specific criteria for each use zone that must be met in order to obtain the conditional use.¹⁰ The choice of criteria can equip decision makers with guidelines to make decisions. The criteria used in agricultural use zones include both land use planning and agricultural factors.¹¹ Soil quality, parcel shape and access, current and historical use, and adjacent land uses are often used as factors. However, the criteria often contain vague phrases which are open to subjective interpretations.¹²

Oregon's Farmland Protection Program

The state of Oregon has undertaken a nationally recognized farmland protection program.¹³ The recognition of agriculture as Oregon's second largest industry and a rapid population growth rate prompted the state legislature to pass measures to protect productive farmland. One of the program's main objectives is to protect farm operations from conflicting uses, primarily from nonfarm residential uses.¹⁴

The introduction of new residents and other conflicting uses within agricultural areas is restricted by an exclusive farm use zone.¹⁵ In order to qualify for a nonfarm residence, a person must meet five state criteria, set forth in the statutes. For example, a person must show that his residence will: 1) be compatible with existing farm use; 2) not interfere with adjacent farm practices; 3) not alter the land use pattern in the area; 4) be on land that is generally unsuitable for farm use; and 5) be consistent with the agricultural land use statute.

The approval rate of land use decisions involving non-farm residents within the exclusive farm use zone has been severely criticized.¹⁷ However, as previously mentioned, criteria are often open to subjective interpretations. Difficult decisions are involved in many Oregon cases when problems and/or benefits are not readily observable or known.

OBJECTIVE

The major objective of the research was to investigate the nonfarm decisions made by the Planning Commission in Linn County, Oregon in the exclusive farm use zone and the resultant land use relationships that have developed between nonfarm residents and the adjacent farm operations. The potential development of intensive conflicts between nonfarm residents and farming practices has been identified in the above discussion. The potential impacts of nonfarm residents in an exclusive farm use zone cannot always be identified in the "findings of fact." A thorough analysis of past decisions may help decision makers in future cases.

STUDY AREA

Linn County, Oregon, located in the Willamette Valley, was selected as the study area. The three largest industries within the county include agricultural products, lumber and wood products, and primary metals. The good soils and mild climate allow for the production of fifty varieties of agricultural crops. Grass seed is the top product, with wheat, mint, specialty horticulture, sweet corn, and snap beans following. Other important activities include dairy products, cattle, poultry, sheep, and swine.¹⁸

DATA COLLECTION METHODS

This investigation examined cases of nonfarm residents, approved under permits by the Linn County Planning Commission and the Board of Commissioners, in the exclusive farm use

zone between the years of 1975 to August of 1980. The methodology involved the selection of criteria for the evaluation of the decisions. The criteria chosen are contained in the Linn County Zoning Ordinance and Oregon Statute 215.213(3):¹⁹

Single family residential dwellings, not provided in conjunction with farm use, may be established, subject to approval of the governing body or its designate in any area zoned for exclusive farm use upon a finding that each proposed dwelling:

- A) Is compatible with farm uses described in subsection (2) of ORS 215.203 and is consistent with the intent and purposes set forth in ORS 215.243; and
- B) Does not seriously interfere with accepted farming practices, as defined in paragraph (c) of subsection (2) of ORS 215.203, on adjacent lands devoted to farm use; and
- C) Does not materially alter the stability of the overall land use pattern of the area; and
- D) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract; and
- E) Complies with such other conditions as the governing body or its designate considers necessary.

During the period from 1975 to August of 1980, Linn County approved 106 nonfarm single family dwellings in the exclusive farm use zone. Of the 106 approved cases, a random sample of 20 cases was selected for the study (Figure 1).

The identification of unsuitable agricultural land and the land use stability pattern were determined by the author through the utilization of the Soil Conservation Service classification maps, tax lot parcel maps, direct observation, and background staff reports. The Soil Conservation Service maps delineated the soil capability classifications I through

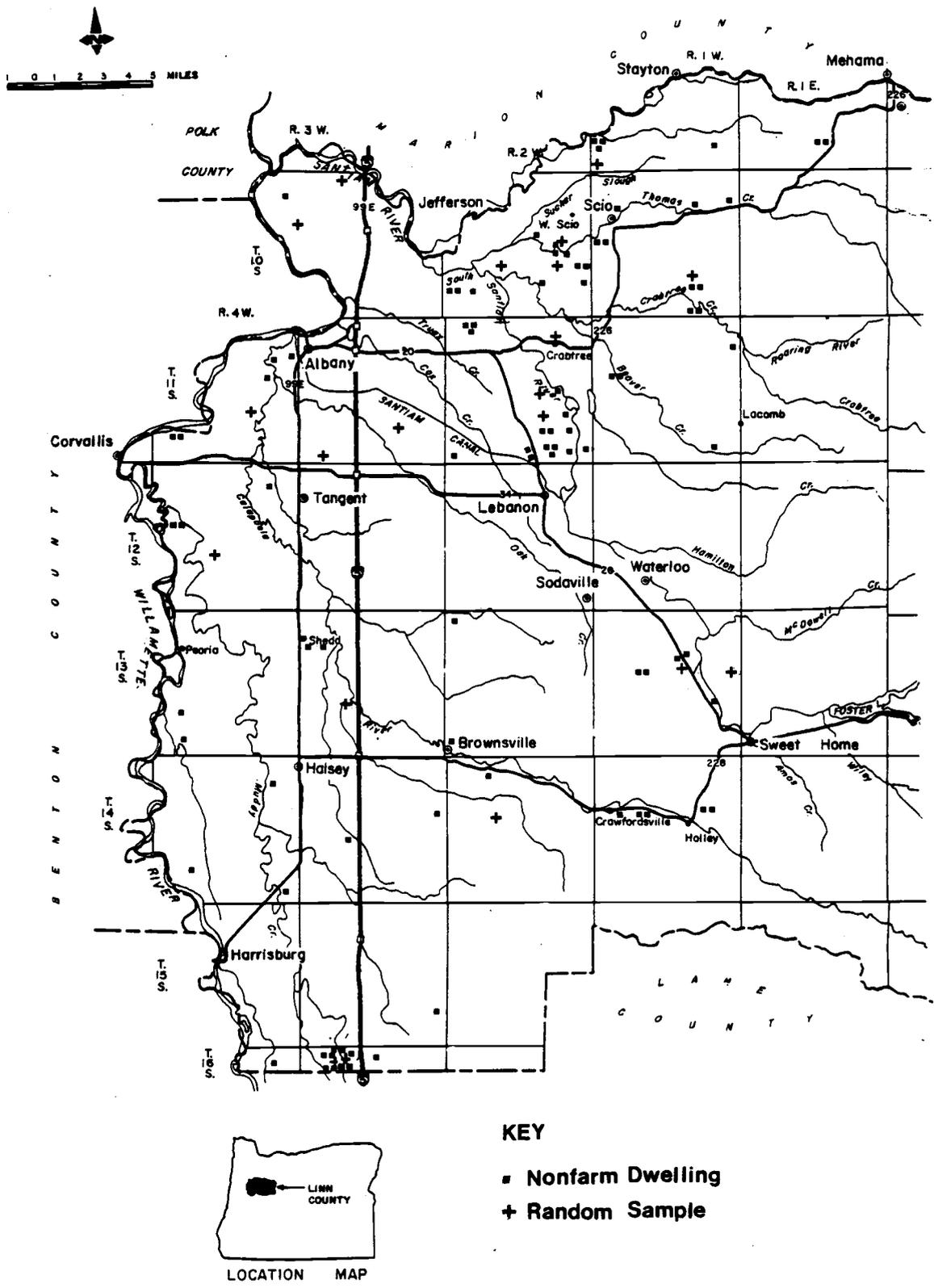


Figure 1. Distribution of Approved Nonfarm Residents 1975-1980 (August)

IV. These classifications consist of soils that are generally suitable for cultivation and have been zoned for agricultural use. The tax lot parcel maps, at the Linn County Assessor's Office, were used to identify the number and size of surrounding land parcels. Direct observation revealed general land characteristics of surrounding parcels. The characteristics included topography, current use of the parcel, surrounding land uses, and vegetation density. Other background information was provided by the staff reports.

The compatibility of the nonfarm dwellings and interference with surrounding farm practices was identified through the use of a survey questionnaire to a randomly selected sample of nonfarm residents. The nonfarm dwelling owners and surrounding land owners were interviewed by a telephone questionnaire to identify resultant conflicts. Two questionnaires were used: a nonfarm survey and a farm survey (Appendix 1).

The nonfarm survey consisted of three major questions. The respondents were asked to identify the surrounding farm practices. The practices were grouped into seven categories: cash grains, grass seed, pasture/hay, head of livestock, tree fruits, nuts, vegetables, and other. The respondents were also asked to identify any problems that had been encountered with the surrounding farm practices. The problems were classified as noise, dust/chemical spraying, odors, field burning, and slow moving machinery. The respondents also identified any action that had been taken to reduce the

problems. Other questions included age, type of work the respondent is doing, number of acres the house is situated on, how many years the respondent has lived in the present location, and whether or not the respondent has engaged in any farming activities in the past.

The farm survey consisted of five major questions. The respondent was asked the acreage and nature of his farming activities, the number of nonfarm residents within one half mile of his house, the percentage of the household income received from the farming activities, the number of complaints, if any, received, and the identification of incidents occurring on the property. The farm activities and the complaints were categorized the same as the nonfarm survey classification. The categories of incidents were trespassing, domestic animals, refuse and litter, theft, increased traffic on roads, vandalism, water quantity/quality, and other. Other questions consisted of age and the number of years the respondent has been engaged in farming activities.

The study area was divided into three regions based on land parcelization size, farming practices, general soils, and topography (Figure 2). Region I is predominantly alluvial lowlands. The region is generally flat, has large farm acreages, and is characterized by row crops. However, several other crops are also grown.

Region II is notably terracelands. The region is generally flat, has large acreages, and the dominant crop is grass seed. Several other crops are also grown.

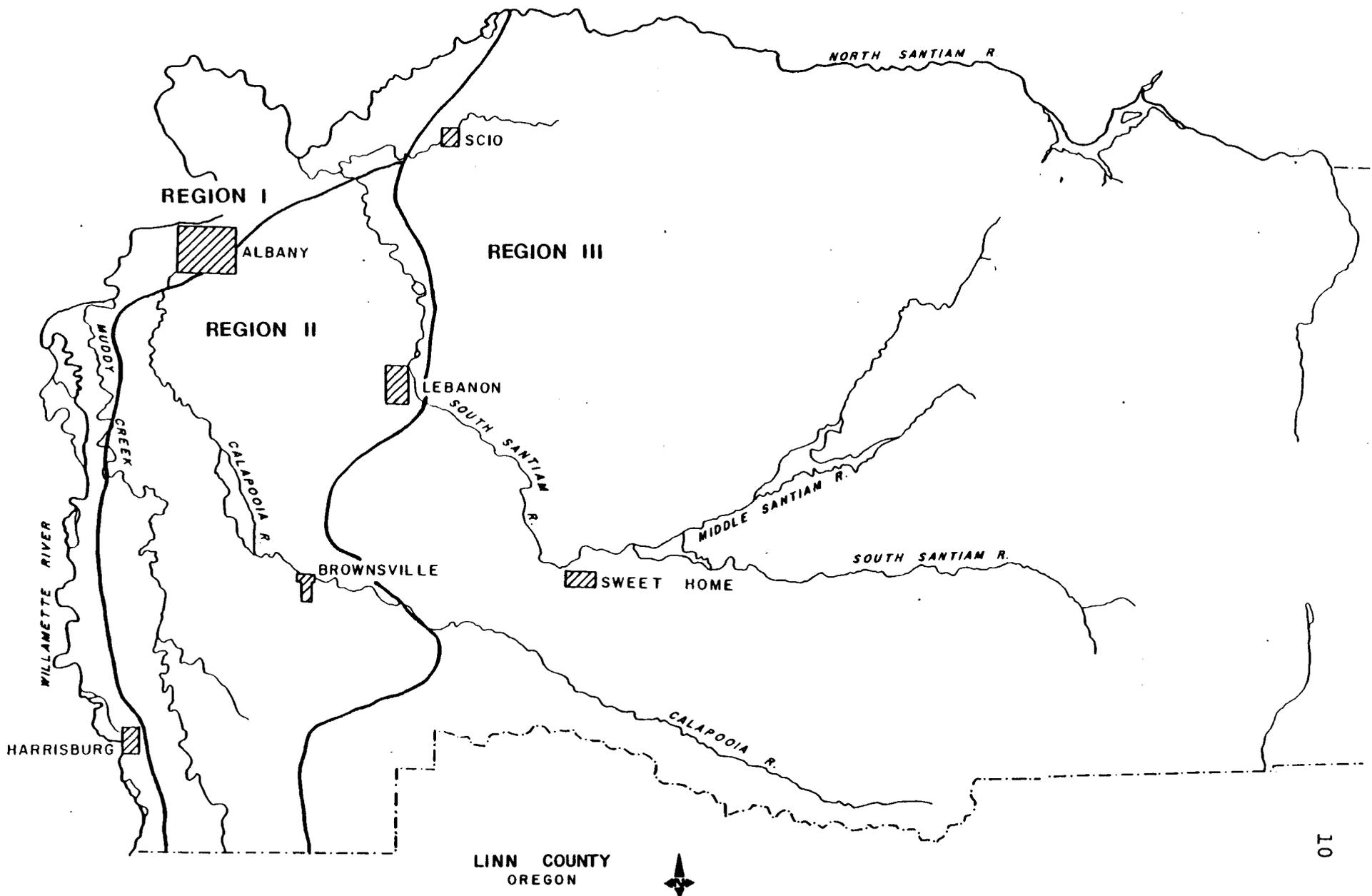


Figure 2. Survey Regions

Region III is characteristically hilly land or the uplands. The region generally consists of a hilly topography with interspersed forests, has smaller farm acreages, and is dominated by livestock production.

DISCUSSION AND RESULTS

The following is a discussion of: 1) the distribution of the approved nonfarm dwellings; 2) the findings of the twenty selected random cases; and 3) the overall survey results identifying the conflicts and problems between nonfarm dwellings and surrounding farm practices.

Distribution

During the period from 1975 to August of 1980, Linn County approved 106 nonfarm single family dwellings in the exclusive farm use zone (Figure 1). The distribution of the dwellings appear to be widely dispersed. The greatest concentration of dwellings appears to be located in the Scio area and extends south to Lebanon. A cluster of dwellings was permitted southeast of the city of Harrisburg. The dwellings are part of a previous platted subdivision. The overall pattern indicates that the dwellings are widely distributed with a few dwellings appearing in localized clusters.

Findings of the Twenty Selected Random Cases

The locations of the twenty random cases are widely distributed throughout the county (Figure 1). The following

discusses the findings in terms of the state criteria of the suitability of the parcel for agriculture, the surrounding land use characteristics, and the compatible/interference of the nonfarm dwellings with surrounding farm practices.

Suitability of the Parcel for Agricultural Land. The Oregon Land Conservation and Development Commission has defined agricultural land to be predominantly of class I, II, III, and IV soils in western Oregon.²⁰ All soils of class I through IV, which were not committed to nonfarm use by physical development, are required by state regulation to be zoned for exclusive farm use.

Of the 20 cases studied, 16 were identified to contain class I through IV soils (Table 1). Two of the 16 cases were class I soils, six consisted of class II soils, four were class III soils, one was class IV soil, and three were mixed classes of I through IV soils. Four of the 20 cases were mapped as consisting of class V through VIII soils.

It would appear that 16 of the 20 cases involved land that was suitable for farming by the agricultural land definition. Upon direct observation, three of the 16 cases were questionable as agricultural lands. Two of the parcels were located in dense tree and brush vegetation with a rolling hill topography. The third parcel had a small portion in agricultural use but was characterized by an old stream channel and brush/forest vegetation.

Land suitable for agriculture is also dependent upon

TABLE I -- SUMMARY OF THE TWENTY RESEARCH CASES

| Case | Soils | Acres | Tax Deferral | Surrounding Land Parcels Less than 40 acres | | Conflicts Identified | Comments |
|------|--------|-------|-----------------|------------------------------------------------|------------|-------------------------|---------------------------|
| | | | | Number | Size (av.) | | |
| 1. | III | 1.86 | no | 3 | 9 | no | idle |
| 2. | V | 20.0 | yes | 3 | 10 | no | active |
| 3. | III* | 13.53 | yes | 8 | 20 | yes | active |
| 4. | II* | 6.17 | yes | 16 | 9 | no | idle |
| 5. | II | 19.74 | yes | 2 | 30 | no | active |
| 6. | II | 6.82 | yes | 12 | 12 | yes* | idle |
| 7. | II | 17.69 | yes | 3 | 30 | no | active |
| 8. | II,IV | 26.4 | yes | 2 | 1.5 | no | active |
| 9. | II,III | 25.63 | yes | 8 | 15 | no | active |
| 10. | I | 8.02 | yes | 5 | 15 | yes | active |
| 11. | II | 19.97 | yes | 3 | 3 | no | active |
| 12. | VI | 2.02 | no | 21 | 7 | no | active |
| 13. | VII | 1.8 | no | 8 | 1 | no | active |
| 14. | III | 9.57 | yes | 6 | 12 | no | active |
| 15. | III | 7.88 | yes | 27 | 3 | no | Lot of record, idle |

TABLE I (CONTINUED)

| Case | Soils | Acres | Tax Deferral | Surrounding Land Parcels | | Conflicts Identified | Comments |
|------|----------|-------|-----------------|------------------------------|------------|-------------------------|-----------------------|
| | | | | Less than 40 acres Number | Size (av.) | | |
| 16. | IV | 5.13 | no | 26 | 4 | no | Lot of record, active |
| 17. | VI | 2.73 | no | 7 | 17 | no | Lot of record idle |
| 18. | II, III* | 10.0 | no | 4 | 19 | no | Lot of record idle |
| 19. | II | .66 | no | 11 | 7 | no | Replace home |
| 20. | I | 4.05 | no | 4 | 28 | yes | Replace home |

*Parcels were questionable

*Action taken to reduce problem

economic and social factors. The Oregon farm protection program requires that if a local government has chosen to specify a minimum lot size, it is to be of a size adequate for the continuation of the existing commercial agricultural enterprise in the area.²¹ The Linn County Zoning Ordinance has established a forty acre minimum lot size for farm dwellings in the exclusive farm use zone.²² A single family dwelling or mobile home not in conjunction with a farm use on a parcel of less than 40 acres must go through the conditional use process. Consequently, of the 20 study cases, all are less than 40 acres in size. The sizes ranged from .66 acres to 26.4 acres (Table 1).

Upon further investigation, 13 of the 20 parcels were taxed as farm deferral parcels. A parcel of land in an exclusive farm use zone can qualify for tax deferral if there is a "profit motive" from the farm activities occurring on the parcel. A fixed amount of income from the farm activity is not required.²³ The survey identified the amount of income percentage received from farm activities which ranged from 5% to 30% of the total household income. The farm activities encompassed small scale livestock production, orchard products, or cash grains.

Investigation of the planning staff reports revealed the following: four of the cases were lots of record, and two homes were replaced due to fire or demolition. Also, six parcels were idle, or not in agricultural use when the conditional use was permitted.

Surrounding Land Pattern. The inquiry of the surrounding land parcels was limited to a one-quarter mile radius from the sample cases. In 16 of the 20 cases, 50% of the surrounding land parcels were less than 40 acres in size. A further breakdown of the surrounding land pattern of parcels under 40 acres reveals the following: nine cases had between zero and five parcels, five cases had six to ten parcels, two cases had 11 to 15 parcels, and four cases had greater than 15 parcels (Table 1). In four of the 20 cases, 50% of the surrounding land parcels were greater than 40 acres in size. Fifteen of the 20 cases contained surrounding parcels of 100 acres or greater. The percentage of these larger surrounding parcels ranged from 10% to 60%.

The average parcel size of the surrounding land varied. Two of the sample cases had two parcels under 40 acres in size; however, the average parcel size was 1.5 acres and 30 acres. Two cases were surrounded by eight parcels. The average size of the surrounding parcels was one acre and 30 acres. In general, the cases that contained small surrounding average parcel sizes encompassed a larger number of parcels within a one-quarter mile radius.

Compatibility and Interference. A survey questionnaire was applied to identify the existing compatibility status and possible interference of the twenty sample cases with the surrounding farm practices. The discussion in this section is limited to the sample case respondents. The results of

the total survey are discussed in the next section.

A total of 15 persons who had received a nonfarm dwelling permit completed the survey questionnaires. Of the five persons that did not complete the questionnaire, two indicated they did not wish to participate in the survey and three could not be reached. Of the 15 persons that completed the questionnaire, nine were engaged in farming activities, while six were given the nonfarm survey. The farm survey respondents indicated their activities were small scale practices. Of the six nonfarm respondents, four stated they have never engaged in any previous farm activities. All four respondents identified problems with the surrounding farm practices. Three indicated the problems were not serious. One respondent indicated the problems were serious and he had taken action to reduce the problems. The action taken was a complaint call to the health departments in Salem and Eugene. The remaining two nonfarm respondents were retired farmers and identified no problems with the surrounding farm practices.

Survey Results

A land use conflict can be defined as "any dispute or harm that results when one person interferes with the way that another person wants to use his land."²⁴ Many times the conflicts involve two sides, the farmer and the rural resident.

Overall, 72% of the persons contacted completed the

survey questionnaire. This number includes the 20 sample cases of nonfarm dwelling permits and surrounding landowners. Forty-three percent of the respondents were engaged in farming activities, while 53% were classified as nonfarm respondents.

Nonfarm Survey. Of the 31 nonfarm respondents, 29% indicated that there were one or more problems with the surrounding farm practices. The most common problem identified was field burning, followed by slow moving machinery, dust/chemical spraying, agricultural odors, and agricultural noise (Table II). Seventy-five percent of the problems were rated as not serious.

Within Region I, 50% of the respondents identified one or more problems with surrounding farm practices. The most common problems identified were agricultural odors and slow moving machinery, each receiving 50%. These problems were followed by agricultural noise (33%), dust/chemical spraying (33%), and field burning (33%) (Table II). All problems within the region were rated as not serious.

In Region II, 25% of the respondents identified one or more problems with the surrounding farm practices. Twenty-five percent of the respondents identified field burning as a problem, followed by dust/chemical spraying (20%), slow moving machinery (15%), agricultural noise (5%), and agricultural odors (5%) (Table II). The ratings of the problems were perceived as serious in 60% of the field burning problems, 50% of the dust/chemical spraying problems, and 20%

TABLE II -- PROBLEMS IDENTIFIED BY NONFARM RESPONDENTS (%)

| Problems | Total | | Region I | | Region II | | Region III | |
|---------------------|-----------|------------|-----------|------------|-----------|------------|------------|------------|
| | <u>No</u> | <u>Yes</u> | <u>No</u> | <u>Yes</u> | <u>No</u> | <u>Yes</u> | <u>No</u> | <u>Yes</u> |
| Agricultural Noise | 94 | 6 | 67 | 33 | 95 | 5 | 100 | 0 |
| Dust/Chemical Spray | 81 | 19 | 67 | 33 | 80 | 20 | 100 | 0 |
| Agricultural Odors | 87 | 13 | 50 | 50 | 95 | 5 | 100 | 0 |
| Field Burning | 71 | 29 | 67 | 33 | 75 | 25 | 83 | 17 |
| Slow Machinery | 77 | 23 | 50 | 50 | 85 | 15 | 100 | 0 |

of the slow moving machinery problems. The serious ratings were the result of health reasons, carelessness of insecticide applications, and the hazards of wide farm machinery on narrow roads. Three actions were taken to reduce the problems. All three actions involved telephone calls to local agencies or enforcement officials.

In Region III, 17% of the respondents identified one or more problems associated with the surrounding farm practices. Field burning was the only problem identified (Table II). The problem was related as not serious.

Farm Survey. Twenty-seven respondents were engaged in farming activities. The average farm size was 236 acres. The largest average acreages occurred in Region I (477 acres) and Region II (250 acres). The farm size in Region III averaged 77 acres. The farming activities contributed over one half of the household income in Regions I and II. Region III averaged less than 20%.

All complaints received by the farmers were identified to be within Regions I and II. Overall, the major complaint received was dust/chemical spraying (22%), followed by field burning (15%), agricultural noise (6%), agricultural odors (4%), and slow moving machinery (0%) (Table III).

Within Region I, 33% of the respondents indicated that they had received one or more complaints concerning their farming practices. Dust/chemical spraying and field burning were identified as the most common complaints received, each

TABLE III -- COMPLAINTS RECEIVED BY FARMERS (%)

| Problems | Total | | Region I | | Region II | | Region III | |
|---------------------|-----------|------------|-----------|------------|-----------|------------|------------|------------|
| | <u>No</u> | <u>Yes</u> | <u>No</u> | <u>Yes</u> | <u>No</u> | <u>Yes</u> | <u>No</u> | <u>Yes</u> |
| Agricultural Noise | 94 | 6 | 100 | 0 | 86 | 14 | 100 | 0 |
| Dust/Chemical Spray | 78 | 22 | 67 | 33 | 71 | 29 | 100 | 0 |
| Agricultural Odors | 96 | 4 | 83 | 17 | 100 | 0 | 100 | 0 |
| Field Burning | 85 | 15 | 67 | 33 | 71 | 29 | 100 | 0 |
| Slow Machinery | 100 | 0 | 100 | 0 | 100 | 0 | 100 | 0 |

receiving 33%. Agricultural odors were identified 17% of the time. Respondents indicated that no complaints had been received concerning agricultural noise and slow moving machinery (Table III). Two respondents indicated that they had been reported to local officials: the fire department and the sheriff's department. One respondent stated that he had changed his irrigation practice as a result of the reports. The change involved a substantial amount of money.

Twenty-nine percent of the respondents in Region II indicated that they had received one or more complaints concerning their farming practices. Dust/chemical spraying (29%) and field burning (29%) were the most common complaints received. These complaints were followed by agricultural noise (14%). No complaints had been received concerning agricultural odors or slow moving machinery.

Region III received no complaints. The farms surveyed were generally small in size. Many respondents indicated the farms were hobby farms. The respondents stated that they knew of nearby larger farms that had received complaints (Table III).

Farming operations, with the onset of rural residential development, encounter incidents on their land involving trespassing, theft, vandalism, litter, traffic, domestic animal problems, and water quantity or quality. Of the total farm surveys, 61% of the respondents reported one or more

incidents on their property. Among those reporting incidents, the most common incident was trespassing (61%), followed by domestic animal problems (43%), theft (39%), litter (29%), traffic on roads (29%), and vandalism (29%). No water quantity or quality related incidents were reported (Table IV).

Many respondents indicated that some incidents were combined with other incidents. An example might be an incident involving trespassing that resulted in a theft or vandalism incident. Most incidents involved people that the respondent did not know. However, incidents involving domestic animals were identified with neighbors. A few respondents indicated an increase of incidents as more people moved into the area.

A breakdown of the incidents into regions indicates all of the regions had encountered the incidents (Table IV). The most frequent incidents in Region I were litter (83%) and trespassing (83%). These incidents were followed by theft (67%), damage by domestic animals (50%), vandalism (50%), and traffic (33%). Most incidents were rated as not serious. One change in agricultural practice was reported. The change involved the adjustment of an irrigation sprinkler from spraying highway traffic. The cost of the adjustment was minimal.

The most common incident in Region II was trespassing (43%). Trespassing was followed by domestic animals (29%), litter (29%), theft (29%), traffic (14%), and vandalism (14%). One category of incidents, domestic animal problems, was

TABLE IV -- INCIDENTS OCCURRING ON FARMS (%)

| Problems | Total | | Region I | | Region II | | Region III | |
|------------------------|-----------|------------|-----------|------------|-----------|------------|------------|------------|
| | <u>No</u> | <u>Yes</u> | <u>No</u> | <u>Yes</u> | <u>No</u> | <u>Yes</u> | <u>No</u> | <u>Yes</u> |
| Tresspassing | 39 | 61 | 17 | 83 | 57 | 43 | 38 | 62 |
| Domestic Animals | 57 | 43 | 50 | 50 | 71 | 29 | 54 | 46 |
| Litter | 71 | 29 | 17 | 83 | 71 | 29 | 77 | 23 |
| Theft | 61 | 39 | 33 | 67 | 71 | 29 | 69 | 31 |
| Traffic | 71 | 29 | 67 | 33 | 86 | 14 | 69 | 31 |
| Vandalism | 71 | 29 | 50 | 50 | 86 | 14 | 77 | 23 |
| Water Quantity/Quality | 100 | 0 | 100 | 0 | 100 | 0 | 100 | 0 |

rated as serious.. One respondent indicated that a major factor in his decision to change his sheep practice to another farm practice involved dogs chasing and killing his sheep. The respondent stated the dog problems had increased as more people moved into the area. Another respondent, in another location, indicated problems with the neighbor's dog chasing his cattle (Table IV).

The most common incidents in Region III were trespassing and domestic animal problems. Most incidents were rated as not serious. Others were rated as somewhat serious. No incidents were rated as serious. One respondent reported problems with dogs chasing his cattle. Other incidents involved damage to fruit as a result of cattle trespassing onto neighboring orchards.

CONCLUSIONS AND RECOMMENDATIONS

The major intent of the exclusive farm use zone is the preservation of existing agricultural lands for farm use. Under state regulations, agricultural lands in western Oregon are defined as class I, II, III, and IV soils of the Soil Conservation Service's capability classification system. Non-farm dwelling permit decisions on the twenty sample cases included factors other than soil considerations that are important for the definition of agricultural land. Among these factors were parcel size, surrounding land parcels, the current use of the parcel, and the lot of record status.

The factors used for making the decisions appear to be inconsistent. Thirteen of the 20 study cases are currently receiving farm tax deferral, indicating that the land is suitable for agricultural production. The income received from the 13 cases accounted for 5% to 30% of the total household income. Hobby farms were established by the majority of the persons receiving nonfarm residence permits.

Incidents occurring on farms accounted for a substantial percentage in all three regions. All incidents, except water quantity/quality, were involved. Within Region I, 83% of the respondents identified the occurrence of trespassing and litter. These occurrences were followed by theft (67%), domestic animals (50%), vandalism (50%), and traffic (33%). The most frequent incident in Region II was trespassing (43%), followed by domestic animals (29%), litter (29%), theft (29%), traffic (14%) and vandalism (14%). Incidents identified in Region III consisted of trespassing (62%), domestic animals (46%), theft (31%), traffic (31%), litter (23%), and vandalism (23%). Incidents involving problems with domestic animals were tied to surrounding neighbors. Most of the other incidents involved people the farmer did not know. A few farmers indicated an increase of incidents as more people moved into the area.

Conflicts and problems between agricultural practices and rural residents were identified in all three regions. The conflicts identified by the nonfarm respondents and the complaints that had been received by the farm respondents

were nearly all accounted for in Regions I and II. One-half of the respondents in Region I identified agricultural odors and slow moving machinery to be the major problems. One-quarter of the respondents in Region II identified field burning to be a problem. These two regions are characterized by large farm acreages and practices that require field burning, odors, spraying, and the use of large machinery. The farms surveyed in Region III were smaller in size and involved small livestock activities or speciality crops.

Based on the findings of this study, the following recommendations are made:

1. The development of measurable criteria and standards to be used for the location of a nonfarm dwelling in the different farm practice regions. Those areas or regions that are more likely to develop conflicts should receive the most stringent regulations. The criteria or standards may vary by area for setback requirements, buffers, and frontage requirements upon an existing public road.
2. The requirement from the nonfarm conditional use applicant to prepare a map that would show the location of potential conflicts and problems with the surrounding land uses. Mitigation of the identified conflicts and problems should be required from the applicant.
3. The development of criteria or standards that would encourage clustering of nonfarm homesites in local

areas. The clustering of the homesites should be on lands that are unsuitable for agricultural production.

4. The use of better information to evaluate the potential agricultural value of each site. This may include a soil productivity value and a performance definition of a commercial farm.

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- 17 Richard P. Benner, "Administration of Exclusive Farm Lands in Twelve Oregon Counties," A study of state standards to protect Oregon farmland; and "Farmland in Jeopardy: County Administration of Exclusive Farm Use Zoning," Report to Joint Legislative Committee on Land Use, (Portland: 1000 Friends of Oregon) (Mimeographed).
- 18 Linn County, Oregon. Comprehensive Plan, 1980.
- 19 Linn County, Oregon. Zoning Ordinance, Article 26.4, Section 26.440, 1972; and Oregon Revised Statutes,

Chapter 215, Section 213(3).

- 20 Oregon Land Conservation and Development Commission,
op. cit., footnote 14, Goal #3.
- 21 Oregon Land Conservation and Development Commission,
op. cit., footnote 14, Goal #3.
- 22 Linn County, Oregon, op. cit., footnote 19, Article
5, Section 5.040, 1972.
- 23 Personal communications, Linn County Assessor's Office,
June, 1982.
- 24 Thompson, op. cit., footnote 4:3.

APPENDIX

Hello, I'm Mary McDonough -- I'm working on a survey for a research paper and Oregon State University Geography Department. I'd like to ask you some questions, if you don't mind. (Pause) The information that you give us is strictly confidential and the results are tabulated for the area as a whole, not for any one person.

1. _____ How many years altogether have you farmed in Oregon.
2. _____ How many years have you operated your present farm.
3. _____ How many acres of land are you farming for your 1982 crops?
4. I have a list of several kinds of farm crops. As I read each one please tell me how many total acres, if any, you have of each for 1982. The first one is:
 - a. _____ Cash grains _____
 - b. _____ Grass seed _____
 - c. _____ Pasture/hay _____
 - d. _____ Head of livestock _____
 - e. _____ Tree fruits, tree nuts _____
 - f. _____ Vegetables _____
 - g. _____ Other _____

5. Thinking about the area, within one half mile of your house, about how many non-farm houses are there? _____

6. Occassionally we hear of complaints being made by those who live near farming practices. As I read a list of some of these would you please tell me whether or not you have received each of these complaints in the past few years. The first one is: (How many of each, if any)

| | <u>Yes</u> | <u>No</u> | <u>#</u> |
|----------|------------|-----------|----------|
| a. _____ | _____ | _____ | _____ |
| b. _____ | _____ | _____ | _____ |
| c. _____ | _____ | _____ | _____ |
| d. _____ | _____ | _____ | _____ |
| e. _____ | _____ | _____ | _____ |

a. Have you changed your farming practices as a result of these complaints?
 _____ Yes _____ No

7. Now, on the other side, farmers sometimes have complaints of their own. In the past few years have you encountered any of the following incidents on your property?

| | <u>How serious?</u> | | | | | | | |
|------------------------------|---------------------|-----------|--------------|--------------|-----------|-------------|----------------------------|------------|
| | <u>Yes</u> | <u>No</u> | <u>Neigh</u> | <u>Other</u> | <u>DK</u> | <u>Very</u> | <u>Same</u> <u>What</u> | <u>Not</u> |
| a. Tresspassing | | | | | | | | |
| b. Domestic animals | | | | | | | | |
| c. Refuse and litter | | | | | | | | |
| d. Theft | | | | | | | | |
| e. Traffic on roads increase | | | | | | | | |
| f. Vandalism | | | | | | | | |
| g. Water quantity/quality | | | | | | | | |
| h. Other _____ | | | | | | | | |

Now I'd like to ask a few questions about you.

8. About what percentage of your household income comes from each of the following sources:

- _____ % farm income
- _____ % job off the farm
- _____ % other _____

9. What is your age? _____

NON-FARM SURVEY

Hello, I'm Mary McDonough -- I'm working on a survey for a research paper and Oregon State University Geography Department. I'd like to ask you some questions, if you don't mind. (Pause) The information that you give us is strictly confidential and the results are tabulated for the area as a whole, not for any one person.

1. _____ How many years altogether have you lived in your present location?
2. _____ On about how many acres of land is your house situated?
3. _____ Are you currently engaged in any farming activities?
 - a. _____ Have you ever engaged in any farming activities?
4. _____ Are there any working farms surrounding your land?
 - a. I have a list of several kinds of farms. As I read each one, please tell me the direction of the farm from your house. The first one is:

| | |
|------------------------------|-------|
| _____ Cash grains | _____ |
| _____ Grass seed | _____ |
| _____ Pasture/hay | _____ |
| _____ Head of livestock | _____ |
| _____ Tree fruits, tree nuts | _____ |
| _____ Vegetables | _____ |
| _____ Other | _____ |

5. Occasionally we hear of problems between farm practices and surrounding land owners. As I read a list of some of these, would you please tell me whether or not you have encountered the problems in the past few years:

| | How serious? | | | Frequency | |
|-------------------------|--------------|----|--------|-----------|----------|
| | Yes | No | Very-s | | Somewhat |
| a. Agricultural noise | | | | | |
| b. Dust, chemical spray | | | | | |
| c. Agricultural odors | | | | | |
| d. Field burning | | | | | |
| e. Slow machinery | | | | | |

6. Have you taken any action to correct these problems?
(Explain)

Now I would like to ask a few questions about you.

7. What type of work do you do? _____ job
_____ industry
8. _____ What is your age?

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