

**OREGON ADMINISTRATIVE RULES**  
**CHAPTER 660, DIVISION 5 — LAND CONSERVATION AND DEVELOPMENT COMMISSION**

**DIVISION 5**

**INTERPRETATION OF GOAL 3  
AGRICULTURAL LANDS**

**Purpose**

**660-05-000** The purpose of this rule is to implement Goal 3, Agricultural Lands and the Agricultural Land Use Policy pursuant to ORS 215.243.

Stat. Auth.: ORS Ch. 197

Hist.: LCDC 4-1982, f. & ef. 7-21-82.

**Definitions**

**660-05-005 (1)** "Agricultural land" as defined in Goal 3 includes:

(a) Lands classified by the U.S. Soil Conservation Service (SCS) as predominately Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon;

(b) Other lands in different soil classes which are suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; and

(c) Land which is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.

(2) "Commercial agricultural enterprise" consists of farm operations which will:

(a) Contribute in a substantial way to the area's existing agricultural economy; and

(b) Help maintain agricultural processors and established farm markets;

(c) When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. These are important factors because of the intent of Goal 3 to maintain the agricultural economy of the state.

Stat. Auth.: ORS Ch. 197

Hist.: LCDC 4-1982, f. & ef. 7-21-82

**Identifying Agricultural Land**

**660-05-010 (1)** All land defined as "agricultural land" in section 660-05-005(1) shall be inventoried as agricultural land. Lands in other than capability classes I-IV/I-VI that are adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though these lands may not be cropped or grazed.

(2) When inventoried lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.

(3) Notwithstanding the definition of "farm use" in ORS 215.203(2)(a), profitability or gross farm income shall not be considered in determining whether land is agricultural land or whether Goal 3 "Agricultural Land" is applicable. However, profitability or gross farm income is a factor in determining whether a farm operation is part of the commercial agricultural enterprise, as stated in subsection 660-05-015(6)(b).

(4) More detailed data on soil capability than is contained in the U.S. Soil Conservation Service soil maps and soil surveys may be used to define agricultural land. However, the more detailed soils data must be related to the U.S. Soil Conservation Service land capability classification system.

(5) Land identified as "agricultural land" and subsequently zoned for exclusive farm use may be used for the nonfarm uses specified in ORS 215.213. OAR 660-04-000, the Goal 2 Exception Process, establishes how land identified as agricultural land may be zoned for other than exclusive farm use.

Stat. Auth.: ORS Ch. 197

Hist.: LCDC 4-1982, f. & ef. 7-21-82

**Minimum Lot Size Standard**

**660-05-015 (1)** Goal 3 states, "such 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". This Goal phrase is the required minimum lot size standard to be used to determine appropriate lot sizes in EFU zones. It is applied when approving both the creation of new lots and development on pre-existing lots.

(2) Goal 3 does not require a specific acre size (e.g., a 40-acre minimum lot size). Needs for agricultural acreage vary from large wheat ranches to small intensive farming operations. A specific minimum lot size adopted at the state level would be impractical.

(3) The Goal 3 minimum lot size standard can be applied in various ways, including but not limited to the following:

(a) To determine one specific acre size, which is used for both farm and nonfarm uses, or for only farm uses, with the size for nonfarm uses decided case-by-case;

(b) To determine different acre sizes, which are used for farm and nonfarm uses, different types of farms (crops and practices), or different areas of the county; or

(c) To determine performance standards, which are used to decide appropriate lot sizes for farm and nonfarm uses on a case-by-case basis.

(4) Counties should apply the Goal 3 standard on minimum lot sizes in the way which best meets their local needs. The application may vary for different farm areas within the county. The only constraint is that the standard shall be applied in a way adequate to maintain appropriate lot sizes for the continuation of the existing commercial agriculture in the area.

(5) While a certain minimum lot size may be appropriate for the continuation of commercial agriculture (as required by Goal 3), it may not be adequate to comply with Goal 5 requirements to protect wildlife resources. Counties should refer to Goal 5 and OAR 660-16-000 for application requirements.

(6)(a) The minimum lot size(s) needed to maintain the existing commercial agricultural enterprise shall be determined by identifying the types and sizes of commercial farm units in the area. When identifying commercial farm units, entire commercial farm units shall be included, not portions devoted to a particular type of agriculture. The identification of commercial farm units may be conducted on a countywide or sub-county basis.

(b) Commercial agricultural operations to be identified should be determined based on type of products produced, value of products sold, yields, farming practices, and marketing practices.

(c) Local governments which apply Goal 3's minimum lot size standard on a case-by-case basis may satisfy the commercial agricultural identification requirement in subsection (6)(a) of this rule by identifying the sizes and other characteristics of existing commercial agricultural units in an area which is large enough to represent accurately the existing commercial agricultural enterprise within the area containing the applicant's parcel.

(7) The minimum lot size standard in Goal 3 refers to an entire farm unit and should not be confused with individual tax lots. A single farm unit may consist of any number of contiguous tax lots (including tax lots separated only by a road or highway), which are managed jointly as a single farm unit.

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(8) The type and value of products produced and how they are marketed are key factors in identifying the existing commercial agricultural enterprise. Owner characteristics, such as percent of income from farming and primary occupation, do not necessarily define a commercial farmer or a commercial farm unit. Commercial agriculture in Oregon is supported, in part, by less than full-time farmers.

Stat. Auth.: ORS Ch. 197  
Hist.: LCDC 4-1982, f. & cf. 7-21-82

**Application of the Minimum Lot Size Standard to the Creation of New Lots**

**660-05-020** (1) The Goal 3 standard on minimum lot sizes is applied to the creation of new lots to prevent agricultural land from being divided into parcels or lots which will not contribute to the local commercial agricultural enterprise.

(2) The minimum lot size standard requires the distinction between farm and nonfarm parcels. Newly created lots that are as large or larger than those allowed by the minimum lot size standard are considered farm parcels. Newly created lots that are smaller than those allowed by the minimum lot size standard are considered nonfarm parcels, unless it is found that smaller lots are appropriate for an intensive commercial farm operation (e.g., nursery, berries, greenhouse, etc.). The distinction is important because of the statutory regulation of dwellings within an EFU zone. Dwellings on farm parcels are allowed outright under ORS CH 215.213(1). Dwellings on nonfarm parcels are allowed only if they meet the conditions set forth in ORS 215.213(3) for nonfarm residences or the lot of record provisions of Section 9 through 11, Chapter 884, Oregon Laws 1981.

(3) Nonfarm parcels are considered to be acreage homesites. They are not outright permitted uses in an EFU zone because they do not preserve agricultural land for commercial farm uses. Instead, they allow the land to be taken out of the county's commercial agricultural enterprise and threaten the continuation of the remaining commercial operations within the area. Therefore, when a nonfarm parcel is created, it should be of the minimum acreage needed to accommodate the nonfarm dwelling.

(4) The only way acreage homesites can be created within an EFU zone is through the procedure set forth in ORS 215.213(3). The creation of acreage homesites on agricultural land cannot be justified simply on the basis that they relate to farm use in some peripheral sense. The primary purpose of such sites is to provide a homesite, although livestock may be kept and crops raised as a secondary, but important activity of the homesite. ORS 215.213(3) provides that homesites may be permitted in the EFU zones under only very strict conditions, so as to ensure compatibility with the farm practices used in the exclusive farm use area and to keep the exclusive farm use area free from development.

(5) The Goal 3 standard on minimum lot sizes is to be applied in addition to the statutory review criteria for divisions of land in an EFU zone (ORS 215.263). That statute states that any division of land within an EFU zone (except cemetery lots) must be found by the governing body to conform with the legislative intent of the Agricultural Land Use Policy set forth in ORS 215.243. The intent of this policy is:

(a) Agricultural land is a vital, natural and economic asset for all Oregonians;

(b) Preservation of a maximum amount of agricultural land, in large blocks, is necessary to maintain the agricultural economy of the state;

(c) Expansion of urban development into rural areas is a public concern because of conflicts between farm and urban activities; and

(d) Incentives and privileges provided by Exclusive Farm Use zoning encourages owners of agricultural land to hold those lands in EFU zones.

Stat. Auth.: ORS Ch. 197  
Hist.: LCDC 4-1982, f. & cf. 7-21-82

**Application of the Minimum Lot Size Standard to Pre-Existing Lots**

**660-05-025** (1) The Goal 3 standard on minimum lot sizes is applied to the development of pre-existing lots to prevent increased development from interfering with neighboring farms. This is accomplished through the procedure set forth in ORS 215.213(3). The minimum lot size standard requires that a distinction be made between farm and nonfarm parcels. If the pre-existing lot meets the minimum lot size standard, a new dwelling will be considered a dwelling customarily provided in conjunction with farm use and be permitted outright. If the lot does not meet the standard, the new dwelling will be considered a nonfarm residence, unless it is found that the smaller lot is appropriate for an intensive commercial farm operation (e.g., nursery, berries, greenhouses, etc.). Otherwise, a nonfarm residence must be approved subject to the conditions set forth in ORS 215.213(3) or the lot of record provisions of Section 9 through 11, Chapter 884, Oregon Laws 1981. The minimum lot size standard applies to each successive dwelling proposed to be located on an existing lot, except dwellings approved pursuant to ORS 215.213(1)(e).

(2) Except as provided by the lot of record provisions of Section 9 through 11, Chapter 884, Oregon Laws 1981, new nonfarm dwellings on pre-existing lots cannot be allowed outright. Such an act would render the local EFU zone less restrictive than the state statute. Such a zone would not meet the requirements of Goal 3 and ORS Chapter 215.

Stat. Auth.: ORS Ch. 197  
Hist.: LCDC 4-1982, f. & cf. 7-21-82