

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Under, OAR 660-004-0028(1), a local government may approve an irrevocably committed exception to a resource goal based in part on evidence that “existing adjacent uses” and “other relevant factors” commit the property to non-resource use. A local government does not err in limiting its evaluation of impacts from “existing adjacent uses” to the evidence the applicant submitted regarding contiguous properties, where the applicant did not provide evidence regarding non-contiguous, but adjacent properties, other than a four-square mile study area that the local government found was too large and unrepresentative to adequately evaluate impacts from adjacent uses. *Simmons Family Properties, LLC v. Polk County*, LUBA No 2021-007 (July 28, 2021).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Evidence of impacts from existing adjacent uses are insufficient to demonstrate that an EFU-zoned parcel is irrevocably committed to non-farm uses, where all but one of the existing adjacent parcels were created pursuant to the statewide planning goals, and under OAR 660-004-0028(6)(c)(A) such parcels cannot be used to justify an irrevocably committed exception. *Simmons Family Properties, LLC v. Polk County*, LUBA No 2021-007 (July 28, 2021).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The focal criterion of an irrevocably committed exception under OAR 660-004-0028 is whether the relationship between the exception area and adjacent lands irrevocably commits the exception area to nonresource use. A county misconstrues OAR 660-004-0028 in concluding that, based on a one-mile study area with mixed farm and nonfarm uses the exception area is irrevocably committed to nonresource use, and then attempting to justify that conclusion by describing ways the non-farm uses in the study area could potentially conflict with farm use of the 20-acre parcel. The county errs in failing to first evaluate the relationship between the exception area and adjacent uses (not necessarily a one-mile study area) and other OAR 660-004-0028 factors, and based on that evaluation, draw a conclusion whether or not adjacent uses irrevocably commit the exception area to nonresource use. *Friends of Marion County v. Marion County*, LUBA No 2021-043 (Nov 22, 2021).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A county errs in interpreting “farm use” as defined at ORS 215.203(2)(a) to include only “commercial-scale” farm use, in concluding that a 20-acre parcel with high-value soils that has long supported a hay operation is irrevocably committed to non-farm use, based on potential conflicts with adjacent dwellings that have existed in a stable development pattern for many decades. “Farm use” does not require commercial-scale farming, and testimony from the applicant’s attorney regarding potential conflicts with adjacent residential uses that have long co-existed with farm use of the property are insufficient to establish that those adjacent uses irrevocably commit the parcel to nonfarm use. *Friends of Marion County v. Marion County*, LUBA No 2021-043 (Nov 22, 2021).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. OAR 660-004-0018(2)(b)(B) requires that “[t]he rural uses, density, and public facilities and services” allowed by taking an exception to Goal 3 not commit adjacent or nearby resource land to uses not allowed by the applicable goal. A county errs in taking an irrevocably committed exception to Goal 3 based on conflicts with adjoining rural residential development, without considering

whether the two-acre residential development allowed under the exception would cause similar conflicts with, and potentially irrevocably commit to nonfarm uses, adjoining and nearby parcels that are in farm use. *Friends of Marion County v. Marion County*, LUBA No 2021-043 (Nov 22, 2021).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The mere existence of residential uses near a property proposed for an irrevocably committed exception to Goal 4 does not demonstrate that such property is necessarily committed to nonresource use, and findings that the subject property is enclosed on three of its sides by existing residential development and that use of the subject property for a forestry operation could be potentially disruptive to that residential community are inadequate to describe the relationship of the subject property to adjacent lands, as required by OAR 660-004-0028(2)(c), where the findings do not address the relationship of the subject property to adjacent forest and resource land that are in timber production and forest use and/or that possess soils suitable for forestry production, or the potential for resource use of the subject property in conjunction with the adjacent forest-zoned properties. *Dooley v. Wasco County*, 81 Or LUBA 44 (2020).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The correct standard under OAR 660-004-0028(3) for an irrevocably committed exception to Goal 4 is not whether commercial forestry operations are practicable on the subject property—counties must consider forest operations that are smaller in scale and generate less revenue than commercial forestry operations—and findings that focus on alleged conflicts with nearby residential uses from conducting commercial forestry on the property are inadequate to demonstrate that forest uses are “impracticable,” as required by OAR 660-004-0028(3), where the findings do not consider whether forest operations that are smaller in scale would create similar conflicts that render forest use of the property impracticable; where, given the soil types on the property, the findings do not establish that forest use of the property is impracticable or explain why trees could not be planted on the property; and where the findings rely on conflicts with residential uses resulting from spraying, which are not sufficient, in themselves, to justify an irrevocably committed exception. *Dooley v. Wasco County*, 81 Or LUBA 44 (2020).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The county did not err in concluding that the “unique resource” at issue, a deepwater river port whose upland portions are located within the existing exception area, is still “located on agricultural or forest land” for purposes of OAR 660-004-0022(3)(a). Although “Agricultural Land” for purposes of Goal 3 and its implementing administrative rule does not include land areas subject to exceptions to Goal 3, it does not necessarily follow that agricultural land, as that term is used in OAR 660-004-0022 or other parts of the Goal 2 exception rule is subject to the same restriction. At least for the limited purpose of evaluating the need for and compliance with exception standards to allow new or changed uses contrary to the resource goals, land within an exception area potentially remains “agricultural land” subject to Goal 3, and where the original exception did not take an exception to Goal 4 the site potentially remains “forest land.” *Columbia Riverkeeper v. Columbia County*, 78 Or LUBA 547 (2018).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. An LCDC acknowledgement order that includes findings that characterize an industrial zone that the county

applied to land subject to an exception to Goal 4 as “rural zoning,” supports a conclusion that as a matter of law LCDC did not acknowledge the zone to comply with Goal 14. Rather, the uses authorized by the zone were intended to be limited to uses that are appropriate outside an urban growth boundary. *Hood River Valley Residents v. Hood River County*, 75 Or LUBA 452 (2017).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Where a county adopts both irrevocably committed and physically developed exceptions to the statewide planning goals, but the only issues raised below were directed at the physically developed exceptions, ORS 197.763(1) precludes the petitioner from challenging the irrevocably committed exceptions for the first time at LUBA. *Landwatch Lane County v. Lane County*, 56 Or LUBA 408 (2008).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Because a committed exception under OAR 660-004-0028 is based primarily on the relationship between the exception area and adjacent lands, arguments that the land within a one-mile radius of the subject property is predominantly farmland does not demonstrate error in the county’s findings that adjacent residential development commits the subject property to non-resource use. *Scott v. Crook County*, 56 Or LUBA 691 (2008).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Evidence that 73 percent of the parcels within a one-mile radius are less than five acres in size, including 18 lots in the immediate vicinity of the subject property that average 2.5 acres in size, is sufficient to support the county’s finding under OAR 660-010-0028(6)(d) that the character of the neighborhood and region is predominantly residential rather than agricultural, notwithstanding that the county might reach a different conclusion if it evaluated a much larger area. *Scott v. Crook County*, 56 Or LUBA 691 (2008).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Under OAR 660-004-0028(6)(e), a county must evaluate whether natural or man-made features or impediments, such as roads, separate the exception area from adjacent resource lands. It is immaterial under the rule whether the applicant owns the adjacent resource lands. *Scott v. Crook County*, 56 Or LUBA 691 (2008).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Findings supporting an irrevocably committed exception are inadequate, where the county fails to identify any conflicts between adjoining uses and resource use of the property or address whether adjoining parcels were created pursuant to the applicable statewide planning goals. That adjoining farm-zoned parcels have dwellings is an insufficient basis for concluding that a parcel is irrevocably committed to residential use. *Lancefield Farm Co. v. Yamhill County*, 56 Or LUBA 781 (2008).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Where a county’s findings note that property contains a spring and a road and that adjacent lands contain dwellings, but do not otherwise explain why the spring and the road and the adjacent dwellings make resource use of the property impracticable, the county’s findings are inadequate to

demonstrate compliance with OAR 660-004-0028(2). *Gordon v. Polk County*, 55 Or LUBA 57 (2007).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A county errs in concluding that residential uses of properties in the vicinity of the property have committed the subject property to non-resource use, without explaining why those same residential uses will not result in committing other resource lands in the area to non-resource use. *Gordon v. Polk County*, 55 Or LUBA 57 (2007).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Under OAR 660-004-0028(2)(c), findings must address “the relationship between the exception area and the lands adjacent to it.” Findings that discuss lands located within a 2000-foot radius from the proposed exception area but do not discuss the lands adjacent to the exception area are inadequate. *Gordon v. Polk County*, 54 Or LUBA 351 (2007).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The mere presence of adjoining residential uses is not a sufficient basis for concluding that resource lands are irreversibly committed to non-resource uses. *Gordon v. Polk County*, 54 Or LUBA 351 (2007).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. OAR 660-004-0028(6) requires the county’s findings to focus on existing adjacent uses and parcel size and ownership patterns on adjacent lands. Findings that analyze parcel sizes within a 2000-foot radius of the property and beyond, but do not discuss adjacent uses and ownership patterns, are inadequate. *Gordon v. Polk County*, 54 Or LUBA 351 (2007).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The focus of OAR 660-004-0028(6)(b) is to determine whether existing public facilities and services on or near the property commit the property to non-resource use. The focus is not on determining whether public facilities and services are available to serve proposed non-resource uses. *Gordon v. Polk County*, 54 Or LUBA 351 (2007).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Under OAR 660-004-0018(2), where the county concludes that residential uses have committed a property to non-resource use but also concludes that residential uses of the exception area will not further commit resource lands to non-resource use, the county must provide an explanation for why residential uses that commit one resource property to residential use will not result in that same residential use committing other resource lands in the area. *Gordon v. Polk County*, 54 Or LUBA 351 (2007).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. If an exception area does not include land on the county’s acknowledged inventory of Goal 5 resources, the county need not adopt an exception to Goal 5. *Gordon v. Polk County*, 54 Or LUBA 351 (2007).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Absent evidence of conflicts or similar impediments to resource use, the fact that access to forest land is via a county road that passes through an area of rural residential homes is not a sufficient basis to conclude that the property is irrevocably committed to uses not allowed by Goal 4. *Friends of Linn County v. Linn County*, 53 Or LUBA 420 (2007).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. That a paved county road may not be suitable to transport heavy equipment necessary for grass seed farming does not mean that the road is inadequate to provide access for other agricultural uses, and is not a sufficient basis to conclude that the property is irrevocably committed to non-agricultural uses. *Friends of Linn County v. Linn County*, 53 Or LUBA 420 (2007).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. That some residential neighbors may find pasturing of animals objectionable is not a sufficient basis to conclude that property otherwise suitable for pasturing animals is irrevocably committed to non-farm uses. *Friends of Linn County v. Linn County*, 53 Or LUBA 420 (2007).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. While OAR 660-004-0028(6) does not require detailed descriptions of adjacent existing uses, a finding that “some incidental farm use, limiting to pasturing of horses, occurs to the north” is an inadequate description of adjacent farm uses. *Friends of Linn County v. Linn County*, 53 Or LUBA 420 (2007).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The purpose of the OAR 660-004-0028(6)(b) requirement to identify existing public facilities and services is to determine whether existing public facilities and services on or near the subject property contribute to irrevocably committing the property to non-resource use. The purpose is not to determine whether public facilities and services are available to serve proposed non-resource uses. *Friends of Linn County v. Linn County*, 53 Or LUBA 420 (2007).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A finding that a Goal 14 exception has been taken for some properties in the area of the subject parcel is inadequate to satisfy the OAR 660-004-0028(6)(c)(A) requirement that the findings analyze how the existing development pattern in the area came about and whether findings against the statewide planning goals were made at the time of partitioning or subdividing. *Friends of Linn County v. Linn County*, 53 Or LUBA 420 (2007).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Where a local government concludes that adjoining rural residential development commits resource land to uses not allowed by Goals 3 or 4, OAR 660-004-0018(2) requires the local government to explain why rural residential development of the subject property will not also result in committing other resource lands in the area. *Friends of Linn County v. Linn County*, 53 Or LUBA 420 (2007).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Where in adopting a committed exception under OAR 660-004-0028 the local government includes

findings addressing some of the standards for adopting a reasons exception under OAR 660-004-0020(2), LUBA will remand to the local government to either delete those findings or explain what relevance they have to the committed exception. *Friends of Linn County v. Linn County*, 53 Or LUBA 420 (2007).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A county’s findings that chemicals are required in the future in order to make forest practices on a property practicable are not supported by substantial evidence where the record does not indicate whether chemicals were already applied to the property or that whatever applications might be necessary have not already occurred. *Anderson v. Coos County*, 51 Or LUBA 454 (2006).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Contamination of drinking water through application of herbicides, pesticides and fertilizers on adjacent resource lands is not an occasional inconvenience accompanying rural life that rural residents must be willing to accept, and might provide the basis for a committed exception to Goal 4. *Anderson v. Coos County*, 51 Or LUBA 454 (2006).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A county’s finding that aerial spraying of chemicals is necessary in order to make forest practices on a 20-acre property practicable is not supported by substantial evidence where the evidence in the record supports a conclusion that manual application is the preferred method of application for properties 40 acres or smaller and the findings do not provide other reasons that manual spraying is not practicable. *Anderson v. Coos County*, 51 Or LUBA 454 (2006).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Where the county’s conclusion that forest uses are impracticable because of liability risks associated with possible contamination of drinking water through application of chemicals hinges upon its finding that aerial spraying is necessary, and that findings is unsupported by substantial evidence, the challenged decision fails to demonstrate that uses allowed by Goal 4 are impracticable. *Anderson v. Coos County*, 51 Or LUBA 454 (2006).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A risk of liability for negligent application of fertilizers on property that might result in contamination of drinking water serving adjacent lands does not provide a sufficient basis to conclude that farm use is impracticable on the subject property. *Anderson v. Coos County*, 51 Or LUBA 454 (2006).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Findings supporting a conclusion that a property is irrevocably committed to nonresource use that rely on the property’s similarity to other properties already zoned for nonresource use and the presence of residences on adjacent lands are not sufficient to explain why the relationship between the property and adjacent lands make the property impracticable for resource uses. *Wetherell v. Douglas County*, 51 Or LUBA 730 (2006).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Where a proposed plan amendment, zone change and goal exception would result in a split-zoned parcel with the northern portion planned and zoned for residential use and the southern portion planned

and zoned for resource use, and a policy in the county's comprehensive plan at least arguably permits land divisions along boundaries separating exception areas from resource lands, and such a division would result in lots smaller than the minimum lot size permitted by the county's acknowledged Goal 14 exception, the county must adopt Goal 14 findings or, if necessary, adopt a specific exception to Goal 14. *Wetherell v. Douglas County*, 51 Or LUBA 730 (2006).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A landowner is not legally obligated to withdraw land from forest operations in order to protect adjoining rural residential lands from the potential threat of windthrow, and the potential of such windthrow resulting from logging forest lands is not a basis to conclude that such lands are committed to non-resource uses. *Gordon v. Polk County*, 50 Or LUBA 647 (2005).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Riparian protection measures required under the Forest Practices Act are not “forest practices” for purposes of OAR 660-004-0028(3)(c), and a county may consider setbacks and other riparian protection measures in determining whether forest land is irrevocably committed to non-resource use. *Gordon v. Polk County*, 50 Or LUBA 647 (2005).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. That two-acres of a 41-acre parcel are subject to riparian setbacks and other limitations on logging does little to demonstrate that propagation and harvesting of forest products on the parcel is impracticable. *Gordon v. Polk County*, 50 Or LUBA 647 (2005).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Incidents of trespass and vandalism on forest lands are insufficient to demonstrate that such lands are irrevocably committed to non-resource use, where most of the cited incidents stem not from trespassers but from residential neighbors and their guests who enter the property as invitees. *Gordon v. Polk County*, 50 Or LUBA 647 (2005).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Some level of trespass and vandalism is an inevitable aspect of maintaining large tracts in forest use, particularly near rural residential areas. Unless such incidents rise to such a level that they actually hinder or preclude forest operations on a significant part of the property, such incidents do not demonstrate that forest use of the property is impracticable. *Gordon v. Polk County*, 50 Or LUBA 647 (2005).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. In adopting a committed exception to Goal 14, a county does not err in assuming that residential properties less than 2 acres constitute “urban levels of development,” to support its conclusion that all rural uses on the subject property are impractical. *Doob v. Josephine County*, 49 Or LUBA 113 (2005).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Where a local comprehensive plan policy defines “Urban Exception Areas” as lands with acknowledged exceptions to Statewide Planning Goals 3, 4 and 11, the county need not require an exception to Goal 11 where it limits uses in approved exception area to those uses that do not require or impact urban public facilities. *Doob v. Josephine County*, 49 Or LUBA 113 (2005).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. While a county need not address every possible farm use defined under ORS 215.203(2)(a) in adopting a committed exception to Goal 3, when a party below identifies a particular farm use that may be practicable, the county must address the practicability of that farm use. *Friends of Douglas County v. Douglas County*, 46 Or LUBA 757 (2004).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The focus of a committed exception under OAR 660-004-0028 is the relationship between the subject property and adjacent uses. Findings that describe and rely upon alleged impacts from rural residential uses up to one-half mile from the subject property, and that provide no description or analysis of adjacent uses, are insufficient to demonstrate that the subject property is committed to nonresource uses. *Friends of Douglas County v. Douglas County*, 46 Or LUBA 757 (2004).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A county’s reliance on reported incidents of vandalism and other crimes in a large rural residential area near a parcel are insufficient to demonstrate that the parcel is committed to nonresource uses, absent evidence that the cited criminal incidents interfere or are likely to interfere with farm or forest uses on the subject property. *Friends of Douglas County v. Douglas County*, 46 Or LUBA 757 (2004).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Externalities from farm or forest operations such as dust, spray, smoke and noise are inherent aspects of rural life in agricultural or forest zones, and absent evidence that such externalities have or are likely to cause actual conflicts with resource operations, evidence of the possibility of such conflicts with rural residential uses is insufficient to demonstrate that resource uses are impracticable. *Friends of Douglas County v. Douglas County*, 46 Or LUBA 757 (2004).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The focus of analysis under OAR 660-004-0028 is on *existing* circumstances that contribute to the practicability of resource use in the exception area, not speculative future circumstances. *Friends of Douglas County v. Douglas County*, 46 Or LUBA 757 (2004).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Where a county concludes that conflicts with adjoining rural residential development commit a property to nonresource uses, the county’s findings addressing OAR 660-004-0018(2)(b)(B) must explain why residential development of the subject property will not present the same risk of committing other adjacent resource lands to nonresource uses. Given the complex nature of that explanation, evidence of conflicts with rural residential uses do not “clearly support” a finding that residential zoning of the subject property will not commit adjacent resource lands, for purposes of ORS 197.835(11)(b). *Friends of Douglas County v. Douglas County*, 46 Or LUBA 757 (2004).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Concerns that topsoil might wash down on an adjoining residential area and that resource related truck traffic will have impacts on that residential area are the kinds of discomforts that are part and parcel of

rural living and they do not provide a basis for an irrevocably committed exception. *Friends of Linn County v. Linn County*, 44 Or LUBA 349 (2003).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Concerns that a property owner’s use of large quantities of well water on a resource parcel for farm or forest use might interfere with individual wells used by nearby rural residences does not support a conclusion that farm or forest use of the resource parcel impracticable. *Friends of Linn County v. Linn County*, 44 Or LUBA 349 (2003).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Although it may be appropriate to focus exclusively or preponderantly on the poor quality of soils for farm and forest use in deciding whether a particular tract qualifies as agricultural lands or forest lands, such an exclusive or preponderant focus on the tract itself is not appropriate in considering an irrevocably committed exception, where the focus is on the relationship of the adjoining properties to the tract. *Friends of Linn County v. Linn County*, 42 Or LUBA 235 (2002).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Speculative impacts on an adjoining rural subdivision from possible future aerial application of herbicides, pesticides and fertilizer and future movement of trucks to and from a 39-acre parcel for future farm and forest use are the occasional inconveniences that rural residents must be willing to accept and do not provide a basis for a committed exception to Goals 3 and 4. *Friends of Linn County v. Linn County*, 42 Or LUBA 235 (2002).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A reasons exception for rural housing is not “necessary” under the last sentence of OAR 660-004-0022(2), if the county fails to demonstrate that land inside nearby urban growth boundaries or on nearby exception lands could not accommodate any identified market demand for housing, as required by OAR 660-004-0020(2)(b). *Friends of Linn County v. Linn County*, 42 Or LUBA 235 (2002).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A county errs in concluding that agricultural land is committed to nonfarm uses under OAR 660-004-0028(6), where its conclusion rests preponderantly on the characteristics of the subject property and fails to identify any conflicts or other aspects of the relationship between the subject property and adjoining residential uses that commit the property to nonfarm uses. *Friends of Linn County v. Linn County*, 41 Or LUBA 358 (2002).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A finding that existing improvements and the presence of seasonal drainage areas limit farm use of agricultural land is inadequate to demonstrate that the land is irrevocably committed to nonfarm uses, where the finding fails to describe the limitations, or explain why such longstanding limitations now render farm use of the subject property impracticable, given the history of farm use on the property. *Friends of Linn County v. Linn County*, 41 Or LUBA 358 (2002).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Findings that address certain rural residential locational criteria in the county’s comprehensive plan are inadequate to address the specific requirements of OAR 660-004-0028(6), where the locational

criteria do not implement the rule and bear no obvious relationship to the rule's requirements. *Friends of Linn County v. Linn County*, 41 Or LUBA 358 (2002).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Absent recent or imminent changes in adjacent rural residential uses, where a neighboring subdivision has been developed for many years and the subject property has been in resource use during much of that time, the existence of those adjacent rural residential uses is insufficient to demonstrate that the subject property is irrevocably committed to nonresource use. *DLCD v. Lane County*, 39 Or LUBA 445 (2001).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. When the local government does not demonstrate that the uses allowed by the goals are impracticable, there is no need to resolve relevancy and evidentiary challenges to the findings. *DLCD v. Coos County*, 39 Or LUBA 432 (2001).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Findings supporting an irrevocably committed exception must address adjacent lands that may tend to make resource use of the proposed exception area practicable as well as adjacent lands that may tend to make resource use impracticable. *DLCD v. Coos County*, 39 Or LUBA 432 (2001).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The mere existence of residential uses near a proposed exception area does not demonstrate that the proposed exception area is committed to nonresource use, especially when most of the nearby properties with residential uses also include resource uses. *DLCD v. Coos County*, 39 Or LUBA 432 (2001).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A county errs in relying exclusively on rural residential locational criteria in its comprehensive plan in taking a committed exception to Goal 3, instead of the criteria of OAR 660-004-0028, where nothing in the county comprehensive plan purports to waive or supplant any requirement of state law. *Friends of Linn County v. Linn County*, 39 Or LUBA 74 (2000).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Where petitioner argues that a Goal 3 exception to allow a subdivision of 10 five-acre lots on rural land also requires an exception to Goal 14, but petitioner fails to explain why such a subdivision constitutes an urban use and fails to challenge the county's findings that the proposal would be served by rural services, LUBA will reject the argument. *Jackson County Citizens League v. Jackson County*, 38 Or LUBA 489 (2000).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Findings that characteristics of adjoining uses support an irrevocably committed exception to Goal 3 are inadequate where the findings do not explain (1) how many of the adjoining lots are developed, (2) what activities on those lots have impacts on the proposed exception area, (3) why services provided to those lots impact the proposed exception area, or (4) why adjoining recreational and open space uses make farm use of the proposed exception area impracticable. *Jackson County Citizens League v. Jackson County*, 38 Or LUBA 489 (2000).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. While the characteristics of a proposed exception area itself are relevant in addressing the requirements for an irrevocably committed exception, the focus must be on impacts from adjoining properties and it is error to give “exclusive or preponderant weight” to characteristics of the proposed exception area itself. *Jackson County Citizens League v. Jackson County*, 38 Or LUBA 489 (2000).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. In adopting an irrevocably committed exception where the proposed exception area has a history of farm use and is currently in farm use, it is not sufficient to rely solely upon long-standing site characteristics or the presence of long-standing adjacent conflicting uses. An adequate demonstration of impracticability must identify recent or imminent changes affecting the subject property that, by themselves or in combination with other factors, render continued farm use of the property impracticable. *Jackson County Citizens League v. Jackson County*, 38 Or LUBA 357 (2000).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The mere presence of residential uses on EFU-zoned properties adjacent to a proposed exception area does not demonstrate that the subject property is irrevocably committed to nonfarm uses. In considering residential uses on adjacent properties, the county must identify in its findings the conflicts or other impacts between the residential uses and the subject property that make farm use of the subject property impracticable. *Jackson County Citizens League v. Jackson County*, 38 Or LUBA 357 (2000).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. OAR 660-004-0028(6)(c)(B) does not require that the county consider as one farm or forest operation those contiguous, undeveloped parcels under common ownership not zoned for resource use. *Friends of Yamhill County v. Yamhill County*, 38 Or LUBA 62 (2000).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. OAR 660-004-0028(6)(c) prohibits impacts from rural residential uses approved pursuant to the statewide land use goals from being used to justify a committed exception for nearby property. Where a county decision relies in part on impacts from nearby residential uses to conclude that the resource lands are irrevocably committed to nonresource use, the findings must establish that those conflicts do not arise from residential areas that were approved pursuant to statewide planning goal exceptions. *Friends of Yamhill County v. Yamhill County*, 38 Or LUBA 62 (2000).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A local government is not required to adopt findings addressing the farm tax deferral status of property when considering the “irrevocably committed” factors of OAR 660-004-0028. However, the fact that property is in farm tax deferral is relevant evidence in determining whether it is impracticable to put the property to farm use. *Friends of Yamhill County v. Yamhill County*, 38 Or LUBA 62 (2000).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Once a local government reaches a supportable conclusion that growing timber is impracticable on forest

land, it does not need to address the practicability of other forest practices described in OAR 660-006-0025(2)(a). *Friends of Yamhill County v. Yamhill County*, 38 Or LUBA 62 (2000).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A conclusion that a property has a negative present net value if converted to forest uses, without explaining what relevance a forest operation’s present value has on whether forest uses are impracticable, is inadequate to demonstrate that forest uses are in fact impracticable. *Friends of Yamhill County v. Yamhill County*, 38 Or LUBA 62 (2000).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. In reviewing a county’s decision that property is irrevocably committed to nonresource uses, LUBA is not required to give any deference to the county’s explanation for why it believes the facts demonstrate compliance with the legal standards for a committed exception. *Friends of Yamhill County v. Yamhill County*, 38 Or LUBA 62 (2000).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Findings that state there is “sufficient evidence in the form of oral testimony and documentation to support the application,” and also state that existing adjacent parcels are “clustered around” two roads are insufficient to adequately describe the characteristics of adjacent lands and the uses located on them as required by OAR 660-004-0028(2)(b) and (6)(a). *DLCD v. Wallowa County*, 37 Or LUBA 105 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A determination that rural residential uses on EFU property would create a buffer between urban uses and nearby agricultural land is not a proper consideration in granting an exception under OAR 660-004-0028. *DLCD v. Wallowa County*, 37 Or LUBA 105 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Where a Goal 4 committed exception imposes a zoning district with a five-acre minimum lot size and a lot of record provision that allows development of lots smaller than five acres but does not impose a specific residential density limit, the county governing body exceeds its interpretive discretion in interpreting the exception as imposing a 2.3-acre minimum residential density. *Columbia Hills Development Co. v. Columbia County*, 36 Or LUBA 691 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A committed-exception zone-change decision that acknowledges the existence of Goal 5 resources on the subject property, but concludes that the county’s existing Goal 5 plan provisions will address any conflicts, is not adequate to demonstrate compliance with Goal 5, where the findings do not state which of the county’s existing Goal 5 plan provisions ensure continued compliance once the exception is taken, and the findings do not consider whether the zone change may introduce the possibility of new conflicting uses. *Pekarek v. Wallowa County*, 36 Or LUBA 494 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Until the county has adopted findings that determine precisely what inventoried Goal 5 resource areas are located on the subject property, it is not possible to identify which county Goal 5 resource protection programs affect all or parts of the subject property, and the county is in no position to

adopt findings explaining whether a committed-exception zone-change is consistent with the county's existing Goal 5 resource protection provisions. *Pekarek v. Wallowa County*, 36 Or LUBA 494 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A finding that the soils on the subject property are unsuitable for farm use is an inadequate, unexplained conclusion where the subject property is predominantly Class VI soils and the comprehensive plan provides that such soils have significant importance for grazing. *Pekarek v. Wallowa County*, 36 Or LUBA 494 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Committed exception findings must explain what it is about existing parcel size and ownership patterns that irrevocably commit resource land to nonresource use, specify the location of parcels created prior to application of the Goals, and distinguish those parcels created pursuant to the Goals. *Pekarek v. Wallowa County*, 36 Or LUBA 494 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Adequate findings regarding adjacent uses must specifically identify adjacent uses and explain what it is about the adjacent uses that make the farm use of the subject property impracticable. *Pekarek v. Wallowa County*, 36 Or LUBA 494 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Assuming that the existence of water and sewer lines on adjacent lands may be relevant to whether a property is irrevocably committed to nonresource use, findings must explain what that relevance is. *Pekarek v. Wallowa County*, 36 Or LUBA 494 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A property need not be capable of supporting a commercial farm by itself to be capable of being put to “farm use” as that term is defined in ORS 215.203. *Pekarek v. Wallowa County*, 36 Or LUBA 494 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The ultimate issue in LUBA's review of a decision adopting a committed exception under OAR 660-004-0028 is whether the adopted findings that are relevant and supported by substantial evidence are sufficient to demonstrate compliance with the standard of ORS 197.732(1)(b) that uses allowed by the goal are impracticable. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. OAR 660-004-0028 does not require a finding that the characteristics of the proposed exception area are sufficient in and of themselves to commit the property to nonresource use. All factors in the rule must be considered, including the characteristics of the adjacent lands. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. In considering challenges to committed exception findings the question of whether the local government adopted the required findings addressing the characteristics of adjacent lands and the

relationship between the exception area and adjacent lands is distinct from the question of whether the adopted findings demonstrate that uses allowed by Goal 3 are impracticable on the subject property. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Under OAR 660-004-0028(6)(c)(A), conflicts with rural residential development in exception areas created pursuant to applicable goals cannot be used to justify a committed exception on the subject property. A finding that a majority of nearby parcels were created before the statewide planning goals is insufficient to demonstrate compliance with this requirement. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The requirement in OAR 660-004-0028(6)(c)(B) that “several contiguous undeveloped parcels” under one ownership shall be considered as one farm or forest operation does not require that a contiguous developed parcel be considered as part of contiguous farm operation. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A Goal 3 committed exception cannot be justified based on a finding that “commercial farming” is impracticable on the subject property. Protection under Goal 3 is not limited to commercial farms. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A Goal 3 committed exception cannot be justified based on a finding that the property is not capable of supporting an economically self-sufficient agricultural operation, or property on which a reasonable farmer could make a living entirely from agricultural use of the land. Farm uses that do not meet that threshold are protected by Goal 3. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. In considering whether farm uses are impracticable, a county may not limit its consideration to “traditional” agricultural uses, where the feasibility of “nontraditional” agricultural uses is raised as an issue before the county. However, where the county’s findings nevertheless address the feasibility of “nontraditional” uses, the county’s possible misunderstanding of the scope of the required analysis provides no basis for reversal or remand. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A county’s findings and reasons do not demonstrate that the relationship between the subject property and adjacent lands has irrevocably committed the subject property to uses not allowed by Goal 3, or that uses allowed by the goal are impracticable where: (1) the property includes prime agricultural soils, (2) the property has a long history of and is currently used for sheep raising and other farm uses; (3) few conflicts between adjacent uses and farm uses on the subject property are identified and (4) the county applied an incorrect legal standard in assessing whether farm uses are impracticable on the subject property. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A finding that property is “not ideal” for rural residential use under current zoning is not sufficient to demonstrate that it is “impracticable” to use the property for such rural residential use, where a rural residence exists on the property and the decision does not explain why proximity to the interstate highway or other abutting uses make continued rural residential use impracticable. *James v. Josephine County*, 35 Or LUBA 493 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A committed exception to Goal 11 will be remanded, where the effect of taking the exception is to allow urban uses that would not be supported by levels of public facilities and services appropriate for a rural area and the county has not shown that it is impracticable to continue using the property for rural residential use. *James v. Josephine County*, 35 Or LUBA 493 (1999).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. In light of historical use of the property for grazing, its high-value soils and similarities between the property and adjacent resource lands, the county’s unexplained reliance on a winter high-water table and slight to moderate slopes on the property are inadequate to demonstrate that farm use on the property is impracticable in order to justify a committed exception to Goal 3. *Wodarczak v. Yamhill County*, 34 Or LUBA 453 (1998).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A committed exception to Goal 3 is not justified by the mere presence of adjacent residential development, without evidence of conflicts or an explanation why the relationship between that development and the subject property renders farm use impracticable on the property. *Wodarczak v. Yamhill County*, 34 Or LUBA 453 (1998).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. In approving a committed exception to Goal 3, the county is required by OAR 660-004-0018(2) to limit use on the property within the exception area to ensure that the exception does not tend to commit adjacent and nearby resource lands to nonresource uses. *Wodarczak v. Yamhill County*, 34 Or LUBA 543 (1998).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Committed exceptions must be based on facts illustrating how past development has cast a mold for future uses; taking a committed exception requires an analysis of how existing development on some parcels affects practicable uses of others. *Brown v. Jefferson County*, 33 Or LUBA 418 (1997).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The county’s findings do not demonstrate that the subject property is irrevocably committed to non-resource uses where the findings describe the characteristics of the subject property, but do not explain what impact those characteristics have on the practicability of uses on the property. *Brown v. Jefferson County*, 33 Or LUBA 418 (1997).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Findings that address neighborhood and regional characteristics under OAR 660-04-028(6)(d) by concluding

that there will continue to be an increasing demand for additional rural residential homesites in the future are irrelevant to a conclusion that a committed exception is justified. *Brown v. Jefferson County*, 33 Or LUBA 418 (1997).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Under OAR 660-04-028(3), the appropriate standard for determining whether farm use is impracticable on the subject property is whether the property is capable, now or in the future, of being employed for agricultural production for the purpose of obtaining a profit in money. *Brown v. Jefferson County*, 33 Or LUBA 418 (1997).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. All the factors listed in OAR 660-04-028(6), including “existing adjacent uses” and “other relevant factors,” are applicable to an irrevocably committed exception. *DLCD v. Curry County*, 33 Or LUBA 313 (1997).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The purported unsuitability of a property for resource use is not an “other relevant factor” for purposes of approving an irrevocably committed exception for that property under OAR 660-04-028(6). *DLCD v. Curry County*, 33 Or LUBA 313 (1997).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. An irrevocably committed exception under Goal 2 concerns the relationship between the exception area and adjacent lands. Under OAR 660-04-028(6), a county decision granting an exception to Goals 3 and 4 based on a factor that has nothing to do with that relationship is in error. *DLCD v. Curry County*, 33 Or LUBA 313 (1997).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A local government decision approving an irrevocably committed exception under OAR 660-04-028 to Goals 3 and 4 will be remanded where it does not include findings supported by substantial evidence establishing that uses allowed by Goals 3 and 4 are impracticable. *DLCD v. Columbia County*, 32 Or LUBA 221 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Conflicts between certain property and rural residential development in exception areas created pursuant to the applicable goals cannot be used to justify a committed exception on the property. *DLCD v. Yamhill County*, 31 Or LUBA 488 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. To approve an irrevocably committed exception, a county must find that all uses allowed by the goals are impracticable, but this does not mean the findings must anticipate every conceivable objection by specifically addressing each and every use potentially allowable under the applicable goals. *DLCD v. Yamhill County*, 31 Or LUBA 488 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Where the county attempts to apply a rural residential zoning density in an irrevocably committed exception area, a conclusory finding that redesignation of the subject parcel will not cause adjacent

resource lands to satisfy working paper guidelines for irrevocably committed exceptions does not substitute for the actual analysis required under OAR 660-04-018(2)(b)(B) regarding the potential commitment of adjacent resource lands to nonresource use. *Johnson v. Lane County*, 31 Or LUBA 454 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Findings adopted by the county approving a committed exception to Goals 3 and 4 are inadequate where they contain no discussion or explanation of how the existing uses on adjacent parcels make resource use on the subject property impracticable. *Johnson v. Lane County*, 31 Or LUBA 454 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Where the county's conclusion that two parcels are not contiguous for purposes of OAR 660-04-028(6)(c)(B) is not factually established in the record and is inconsistent with evidence relied upon by the county regarding nonresource use on adjacent parcels, the county's finding is not supported by substantial evidence in the record. *Johnson v. Lane County*, 31 Or LUBA 454 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The county's reliance on the existence of adjacent non-resource parcels in justifying a committed exception is impermissible under OAR 660-04-028(6)(c)(A) where the findings do not adequately establish how or when the adjacent parcels were created. *Johnson v. Lane County*, 31 Or LUBA 454 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. OAR 660-04-028(6)(c)(A) does not categorically prohibit a local government from relying upon the existence of adjacent exception areas in granting a committed exception. Rather, the rule permits consideration of past land divisions that were made without application of the Statewide Planning Goals as one factor in the analysis of whether a committed exception should be allowed if the manner of development on the resulting parcels or other factors makes resource use unsuitable on those parcels or on nearby lands. *Johnson v. Lane County*, 31 Or LUBA 454 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Where the county's findings regarding parcel size and ownership patterns on lands adjacent to a proposed exception area contain no reference to the analysis required by OAR 660-04-028(6)(c)(A), and do not suggest that the county is relying upon separate incorporated documents to provide that analysis, the county's incorporation of the entire application does not provide a sufficient reference to the specific documents relied upon by the county to satisfy the applicable criteria. *Johnson v. Lane County*, 31 Or LUBA 454 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. County findings that describe the physical characteristics and existing uses of adjacent lands in approving a committed exception to Goals 3 and 4 are adequate for purposes of OAR 660-04-028(2)(b) and (6)(a). Those rules do not require the county to make findings regarding the

ownership of the adjacent parcels or the proximity of developed uses on adjacent lands. *Johnson v. Lane County*, 31 Or LUBA 454 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The failure of adjacent property owners to manage their lands actively and successfully, the frustrated intentions of a developer in creating a large-capacity water system to serve the subject forest property, the earlier approval of a three-phase subdivision, the property’s potential for non-resource use and similar considerations do not support a determination that the property is irrevocably committed to non-resource use. *1000 Friends of Oregon v. Columbia County*, 31 Or LUBA 47 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Capital expenditures for streets, water lines, electric power, design, engineering and surveying on an adjacent property are not relevant to finding a committed exception unless they detract from management of the subject property for forest uses. *1000 Friends of Oregon v. Columbia County*, 31 Or LUBA 47 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Under OAR 660-04-028(6)(c)(A), a county may not rely on the developed characteristics of adjacent non-resource parcels created pursuant to applicable goals to justify a committed exception on the subject property. *DLCD v. Curry County*, 30 Or LUBA 294 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. When property is located in a combined agricultural and forest zone, findings in support of an irrevocably committed exception must establish that all uses allowed by Goals 3 and 4 are impracticable. A finding that the property has never been in agricultural use is insufficient. *DLCD v. Curry County*, 30 Or LUBA 294 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. A finding that commercial forestry is impracticable on certain property does not justify an irrevocably committed exception to Goal 4. The county must show the property is impracticable for all Goal 4 uses. *DLCD v. Curry County*, 30 Or LUBA 294 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Under OAR 660-04-028(6)(e), man-made features such as roads may constitute impediments to resource use and may justify an irrevocably committed exception for resource lands. However, the existence of a scenic buffer on the subject property adjacent to a road at the property’s edge does not necessarily make resource use of the entire property impracticable. *DLCD v. Curry County*, 30 Or LUBA 294 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The fact that adjoining properties have different uses, topography or characteristics from the subject property has no bearing on whether it is irrevocably committed to non-resource uses, unless the different uses, topography or characteristics make resource use on the property impracticable. *DLCD v. Curry County*, 30 Or LUBA 294 (1996).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. In order to justify an irrevocably committed exception, the county must determine, based on an evaluation of the facts, that surrounding residential uses make resource use of the subject property impracticable. *DLCD v. Coos County*, 30 Or LUBA 229 (1995).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. To justify an irrevocably committed exception on forestland, the county must explain in findings why the facts upon which it relies lead to a conclusion that uses allowed by Goal 4 are impracticable. *DLCD v. Coos County*, 30 Or LUBA 229 (1995).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Both Goal 4 and Goal 2 require the county to evaluate the practicability of all forest uses on the subject property before determining that such uses are impracticable and taking a committed exception. *DLCD v. Coos County*, LUBA No. 30 Or LUBA 229 (1995).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. To approve an irrevocably committed exception to Goals 3 and 4, the county must find that all uses allowed by the goals are impracticable, primarily as a result of uses established on adjacent parcels. *Sandgren v. Clackamas County*, 29 Or LUBA 454 (1995).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Findings that address only the practicability of commercial forestry uses, rather than all commercial and noncommercial uses allowed by Goals 3 and 4 on agricultural and forestlands, do not justify an irrevocably committed exception to either Goal 3 or Goal 4. *DLCD v. Coos County*, 29 Or LUBA 415 (1995).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Findings must address the practicability of commercial forestry uses on adjacent lands as well as in a proposed exception area to satisfy the requirements for an irrevocably committed exception to either Goal 3 or Goal 4. *DLCD v. Coos County*, 29 Or LUBA 415 (1995).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Under OAR 660-04-028(6)(c), findings are necessary on when and how the existing development pattern of adjacent parcels occurred and whether past land divisions were made through application of the goals, in order for the county to determine if it can consider existing uses of any adjacent parcels in deciding whether those uses make resource uses in a proposed exception area impracticable. *DLCD v. Coos County*, 29 Or LUBA 415 (1995).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Findings to justify a committed exception to Goals 3 and 4 must address the factors of OAR 660-04-028(6) and must be supported by substantial evidence explaining how conflicts between existing uses and resource uses operate in a particular instance to render the subject property irrevocably committed. *DLCD v. Coos County*, 29 Or LUBA 415 (1995).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. In adopting a “committed” exception to Goals 3 and 4, a local government may consider the characteristics of

the subject property as one of the “other relevant factors” to be addressed in the analysis required by OAR 660-04-028(1). *DLCD v. Curry County*, 28 Or LUBA 205 (1994).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The bias under Goals 3 and 4 in favor of commercial agricultural and forest enterprises does not mean a local government may assume that noncommercial farm and forest uses are not “uses allowed by the applicable goal” for which a proposed exception area’s suitability must be considered in granting an exception. *1000 Friends of Oregon v. Yamhill County*, 27 Or LUBA 508 (1994).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. The impracticability standard for committed exceptions is a demanding standard, and findings must do more than recite facts addressing the relevant factors, they must also explain why those facts lead to a conclusion that uses allowed by Goals 3 and 4 are impracticable. *1000 Friends of Oregon v. Yamhill County*, 27 Or LUBA 508 (1994).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Even where a local government’s findings supporting an “irrevocably committed” goal exception address all factors made relevant under OAR 660-04-028, and are supported by substantial evidence in the record, it is still LUBA’s responsibility to determine whether the findings demonstrate compliance with the standard of ORS 197.732(1)(b) that “existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable.” *1000 Friends of Oregon v. Columbia County*, 27 Or LUBA 474 (1994).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. Findings that (1) an undisclosed portion of a 143-acre property is occupied by gravel roads, (2) an unspecified number of residences on adjacent properties create the possibility of trespass and complaints regarding forest operations, and (3) two powerline easements separate the property from other forestlands, are insufficient to explain why it is impracticable to use the subject property for uses allowed by Goal 4, as required by ORS 197.732(1)(b) for an irrevocably committed goal exception. *1000 Friends of Oregon v. Columbia County*, 27 Or LUBA 474 (1994).

6.3.3 Goal 2 – Land Use Planning – Exceptions/ Exception Rule – Committed. OAR 660-12-060(4) prohibits using the existence of transportation facilities as a basis for approving (1) exceptions to the requirements of OAR 660-12-065, adopted under OAR 660-12-070; or (2) exceptions to statewide planning goals, adopted under OAR 660-04-022 (reasons exceptions) or OAR 660-04-028 (committed exceptions). OAR 660-12-060(4) does not apply to an exception for a change to an established UGB, adopted under OAR 660-04-010(1)(c)(B). *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994).