

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. In the context of a reasons exception to allow a data center use on agricultural land, while a local government cannot judge whether a property has a service-based locational advantage without a complete understanding of the extent of services in the alternative locations, the absence of an inventory of existing infrastructure in the record does not undermine the decision-maker’s conclusion that the exception area provides a “significant comparative advantage,” for purposes of OAR 660-004-0022(3)(c), where alternative sites were not rejected based upon the unavailability of services. *1000 Friends of Oregon v. Morrow County*, 81 Or LUBA 508 (2020).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Speculation that a reasons exception to allow an industrial use on agricultural land will hasten future zone change applications does not establish that the exception will not “cause only minimal loss of reproductive resource lands” for purposes of OAR 660-004-0022(3)(c); however, the fact that that an equal amount of land elsewhere in the jurisdiction will be rezoned from industrial to agricultural does not demonstrate that that criterion is met where the findings do not discuss the quality or productivity

of the resource lands in the proposed exception area or otherwise attempt to describe, in qualitative terms, what removing the agricultural zoning of the proposed exception area means for resource land productivity. *1000 Friends of Oregon v. Morrow County*, 81 Or LUBA 508 (2020).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. In the context of a reasons exception to allow a data center use on agricultural land, that a site is under contract or currently used for the disposal of wastewater; that a site is in federal ownership and that its ownership transfer timeline is unknown; that much of a site is covered in wetlands and that removal and fill of the wetlands will increase risk and will increase costs in an amount in the tens of thousands of dollars; that a site is too close to other existing or planned data centers to avoid general, undefined issues of facility proximity and interdependence; and that a site is inconsistent with the applicant’s objective of ultimately extending services to a particular property do not necessarily establish that those sites “cannot reasonable accommodate the use” for purposes of OAR 660-004-0020(2)(b). *1000 Friends of Oregon v. Morrow County*, 81 Or LUBA 508 (2020).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. A petitioner may not also operate an exotic animal rescue facility, which is undisputedly not a “farm use,” on EFU land where the petitioner uses his or her EFU-zoned property for certain “farm uses,” under ORS 215.203. The existing “farm use[s]” do not “legitimize” the concurrent unpermitted uses, nor do they shield the unpermitted uses from county code enforcement action. *A Walk on the Wild Side v. Washington County*, 78 Or LUBA 356 (2018).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Where the challenged decision is limited to a single site in a remote rural area, is based on a single unique resource, and limits its authorization to five categories of rural industrial uses that are significantly dependent on that resource, nothing in OAR 660-004-0020 or -0022 precludes a county from justifying an amount of land for a range of deepwater port-dependent rural industrial uses based on the best available evidence regarding the types and land needs of likely industrial uses, without knowing exactly which industrial uses will locate in the exception area or exactly how much acreage each use will require. Although the typical reasons exception involves only a single proposed use, the size of which is generally known, and in such cases it is relatively easy to determine “the amount of land for the use being planned” for purposes of OAR 660-004-0020(2)(a), a county may take a reasons exception to allow more than one use, or even a range of uses, the exact nature and size of which may not be known. *Columbia Riverkeeper v. Columbia County*, 78 Or LUBA 547 (2018).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Goal 3 does not generally allow industrial uses on agricultural land. Goal 2 defines an “exception” in part as a comprehensive plan amendment to allow a use that “[d]oes not comply with some or all goal requirements applicable to the subject property or situations[.]” Goal 2 does not allow establishment of a zoning policy of general applicability. Where a local government authorizes five broad categories of industrial and commercial uses distinguished by a general type of good or commodity (dry bulk, liquid bulk, breakbulk, etc.), and each use is limited by the requirement that the use be significantly dependent on a deepwater port, that does not mean that as a consequence the county has approved an exception that establishes a “zoning policy of general applicability,” contrary to the Goal 2, ORS 197.732(1)(b)(A) and OAR 660-004-0005(1)(a) definition of “exception.” *Columbia Riverkeeper v. Columbia County*, 78 Or LUBA 547 (2018).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. ORS 197.732(2)(c)(D) and OAR 660-004-0020(2)(d) require a finding that the proposed uses authorized by the proposed exception are “compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.” To establish compliance with OAR 660-004-0020(2)(d), the county’s finding that the likely adverse impacts of the proposed uses allowed under the proposed exception are similar to the impacts of the existing uses must be supported by substantial evidence. The absence of evidence that the impacts would be different is not a basis to conclude that the impacts would be similar. Where this unsupported presumption that the impacts would be similar is the foundation of the much of the county’s subsequent analysis, the presumption is not supported by substantial evidence, and remand is necessary for the county to adopt more adequate findings regarding compatibility, supported by substantial evidence. *Columbia Riverkeeper v. Columbia County*, 78 Or LUBA 547 (2018).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. ORS 197.732(2)(c)(D) and OAR 660-004-0020(2)(d) require a finding that the proposed uses authorized by the proposed exception are “compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.” The potential adverse impacts of different types of liquid bulk terminals affiliated with a deepwater port, such as an oil terminal versus a fertilizer export operation, could be different enough to require a separate analysis. Adequate findings regarding compatibility would start by identifying the likely adverse impacts of typical uses authorized under approved use categories, evaluating each use category separately, and if necessary specific types of uses within each category. The findings should also address the characteristics of uses on adjoining areas, and assess vulnerability to potential externalities from industrial uses in the exception area. Informed by those analyses, the county can then reach sustainable conclusions regarding whether the proposed uses are compatible with adjoining uses, or can be rendered compatible via identified measures. *Columbia Riverkeeper v. Columbia County*, 78 Or LUBA 547 (2018).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Only “transportation facilities and improvements” that meet the requirements of OAR 660-012-0065 are allowed on EFU-zoned “rural land” without an exception to Goals 3, 11 and 14. OAR 660-012-0070 provides that “transportation facilities” that do not meet the requirements of OAR 660-012-0065 cannot be constructed on “rural land” without an exception to the applicable goals. However, OAR 660-012-

0070 does not require an exception to the applicable resource and urban goals where the city concurrently includes the land within its urban growth boundary, because the land is no longer “rural land” as defined in that rule. *Deumling v. City of Salem*, 76 Or LUBA 99 (2017).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. *VinCEP v. Yamhill County*, 215 Or App 414, 171 P3d 368 (2007), which involved a reasons exception to Goals 3, 4 and 14 to develop a hotel on land zoned exclusive farm use (EFU), and its holding which interprets the rules for reasons exceptions, is inapposite where no reasons exception is involved. Similarly, OAR 661-012-0070 and its requirements for exceptions for transportation improvements on rural land do not apply where no exception to a resource goal is sought. *Deumling v. City of Salem*, 76 Or LUBA 99 (2017).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. ORS 215.448(1)(a) to (d) provide standards that apply to a proposed home occupation in “an exclusive farm use zone, forest zone or a mixed farm and forest zone that allows residential uses,” and do not apply to an application for a proposed home occupation on property located in a rural residential zone. *Willis v. Clackamas County*, 76 Or LUBA 244 (2017).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. The issue of whether a county erred in adopting a reasons exception to Statewide Planning Goal 3 under both the catch-all provision at OAR 660-004-0022(1) and the specific provisions for rural industrial use at OAR 660-004-0022(3) was adequately raised below for purposes of ORS 197.763(1), where a participant argued below that the county cannot adopt exceptions under both provisions but must choose one or the other. *1000 Friends of Oregon v. Jackson County*, 76 Or LUBA 270 (2017).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. The Goal 13 requirement for local governments to “maximize the conservation of all forms of energy” does not impose an affirmative obligation on local governments to promote the development of renewable energy, or provide a basis to conclude that there is a “demonstrated need” to meet a goal requirement, in order to satisfy the standards at OAR 660-004-0022(1)(a) for adopting a reasons exception in order to site a solar energy facility on agricultural land. *1000 Friends of Oregon v. Jackson County*, 76 Or LUBA 270 (2017).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. A county errs to the extent it justifies a reasons exception under OAR 660-044-0022(3)(a) to site an industrial use on agricultural land, based on proximity to and dependency on an electrical substation located within a nearby urban growth boundary, because OAR 660-004-0022(3)(a) applies only to industrial uses that are dependent on resources located on agricultural or forest land. *1000 Friends of Oregon v. Jackson County*, 76 Or LUBA 270 (2017).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. OAR 660-004-0022(3)(c) provides a sufficient reason for siting industrial development on resource lands where the use “would have a significant comparative advantage due to its location.” The text and context of OAR 660-004-0022(3)(c) indicate that the locational attractor that provides a significant comparative advantage justifying industrial development of resource land must also be located on resource land,

and therefore an electrical substation located within an urban growth boundary cannot qualify as the locational attractor. *1000 Friends of Oregon v. Jackson County*, 76 Or LUBA 270 (2017).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. OAR 660-004-0022(3)(c), which states that a significant comparative advantage due to “location” is a sufficient basis to adopt a reasons exception to site industrial development on resource lands, is not properly interpreted to allow industrial use of resource land to be justified based solely on proximity to resources located within a nearby urban growth boundary (UGB), because under such an interpretation the rule could potentially undermine the integrity of UGBs, and it is unlikely that in drafting the rule the Land Conservation and Development Commission intended that result. *1000 Friends of Oregon v. Jackson County*, 76 Or LUBA 270 (2017).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. OAR 660-004-0022(3)(c), which states that a significant comparative advantage due to “location” is a sufficient basis to adopt a reasons exception to site industrial development on resource lands, is not properly interpreted to allow industrial use of resource land to be justified based solely on proximity to resources located within a nearby urban growth boundary (UGB), because under such an interpretation the rule could potentially undermine the integrity of UGBs, and it is unlikely that in drafting the rule the Land Conservation and Development Commission intended that result. *1000 Friends of Oregon v. Jackson County*, 76 Or LUBA 270 (2017).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Where LUBA remands a comprehensive plan amendment to adopt limited, technical changes to the analysis of economic, social, environmental and energy (ESEE) consequences that was adopted to support an exception to Goal 3, the county does not err in limiting the scope of remand to exclude new issues raised on remand regarding new conflicts with agricultural uses that the petitioner argues should be considered in a revised ESEE analysis, where the alleged new conflicts have nothing to do with the limited, technical changes to the ESEE required by LUBA’s remand. *Setniker v. Polk County*, 75 Or LUBA 1 (2017).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. For reasons exceptions that are required in order to site “transportation facilities and improvements” on rural lands, the exceptions standards set out at OAR 660-012-0070 apply, rather than the standards set out in OAR 660-004-0020. *Foland v. Jackson County*, 61 Or LUBA 264 (2010).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. OAR 660-034-0040(4), governing local park planning, clearly provides that “some” of the listed park uses permitted in a local park on EFU land require an exception to Goal 3, in the absence of a local master park plan. However, the rule is profoundly ambiguous regarding which of the listed park uses require an exception in the absence of a local master park plan. *Linn County Farm Bureau v. Linn County*, 61 Or LUBA 323 (2010).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. The context provided by Goal 3, the Goal 3 rule on private park/campgrounds, Goal 3 Guideline B.1, and the state agricultural land use policies at ORS 215.243, suggest that the public park uses and facilities listed in OAR 660-034-0035(2)(a) through (g) that require a Goal 3 exception in the absence of a master park

plan are those that involve higher-intensity development or infrastructure, where there exist less intensive alternatives that minimize permanent loss of agricultural land to non-agricultural use. *Linn County Farm Bureau v. Linn County*, 61 Or LUBA 323 (2010).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. The provision of full septic, water and electric hookups to individual campsites in a public RV park/campground constitutes higher-intensity development or infrastructure that, in the absence of a master park plan, requires an exception to Goal 3. *Linn County Farm Bureau v. Linn County*, 61 Or LUBA 323 (2010).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Because the public park rule at OAR 660-034-0035(2) allows a campground “group shelter” in a local public park, but effectively prohibits a “meeting hall” in a local public park, a county cannot approve a fully enclosed, 1,200-square-foot “clubhouse” intended for all-season group activities unless it demonstrates that the clubhouse is properly viewed as a “group shelter” rather than a “meeting hall.” *Linn County Farm Bureau v. Linn County*, 61 Or LUBA 323 (2010).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Because a commercial use such as a convenience store is not allowed in the EFU zone or on Goal 3 land without a Goal 3 exception, a “camp store” similar in function to a convenience store is not permitted in a local public park on EFU land, in the absence of an exception to Goal 3 or the adoption of a local master park plan. *Linn County Farm Bureau v. Linn County*, 61 Or LUBA 323 (2010).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Where a county’s EFU zone does not permit solid waste disposal sites, but the statutory EFU zone does allow solid waste disposal sites, under the holding in *DLCD v. Yamhill County*, 183 Or App 556, 53 P3d 462 (2002), a county may not approve an exception to Goal 3 (Agricultural Lands) to allow a solid waste disposal site on EFU-zoned property. Rather, the county must amend its EFU zone to allow solid waste disposal sites if it wishes to authorize that use on its EFU-zoned land. *Waste Not of Yamhill County v. Yamhill County*, 61 Or LUBA 423 (2010).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. A comprehensive plan provision prohibiting application of a Rural Residential plan designation to land that is currently designated farm or forest “unless an exception to the applicable Goal 3 or 4 is justified” could be interpreted such that the prohibition does not apply to nonresource land that is not subject to either goal. However, the stronger textual reading is that the qualifier “applicable” simply reflects that the subject property is currently designated under either Goal 3 or Goal 4, whichever is applicable, and an exception to the applicable goal is required in order to redesignate the property to Rural Residential. *Rogue Advocates v. Jackson County*, 60 Or LUBA 392 (2010).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Compliance with OAR 660-004-0020(2)(a) is shown by demonstrating that a proposed reasons exception complies with OAR 660-004-0022(3), which specifies appropriate reasons for an exception to the statewide planning goals for “Rural Industrial Development.” *Gordon v. Polk County*, 55 Or LUBA 67 (2007).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Where the proposed use of the property is for “Rural Industrial Development” on resource land outside an urban growth boundary, and that use is provided for in OAR 660-004-0022(3), a showing of compliance with OAR 660-004-0022(1) is not required. *Gordon v. Polk County*, 55 Or LUBA 67 (2007).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Under OAR 660-004-0020(2)(c), a local government must determine that the long term environmental, economic, social, and energy consequences of a goal exception are not significantly more adverse than would result from the same proposed use being located on other lands that require a goal exception. Where the petitioner argues that the county did not adequately review other lands that also require a goal exception in determining whether to grant a reasons exception, but petitioner’s argument focuses exclusively on lands that would not require a goal exception, petitioner provides no basis for reversal or remand. *Gordon v. Polk County*, 55 Or LUBA 67 (2007).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. To establish a “demonstrated need” for a proposed hotel on agricultural land based on the requirements of Goal 9 under OAR 660-004-0022(1)(a) does not necessarily require demonstrating that the county is in violation of its Goal 9 obligations or that the county is faced with a circumstance in which it must choose between violating its Goal 9 or Goal 3 obligations. *VinCEP v. Yamhill County*, 55 Or LUBA 433 (2007).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. To show a demonstrated need to locate a proposed hotel on resource land based on the general Goal 9 requirement to “provide adequate opportunities * * * for a variety of economic activities,” the county must establish that the county has failed or is at risk of failing to provide adequate opportunities for a variety of economic activities, and that taking an exception to Goal 3 to provide for a hotel is a necessary step toward satisfying that goal requirement. *VinCEP v. Yamhill County*, 55 Or LUBA 433 (2007).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. A locally unsatisfied market demand for a particular sub-type of lodging accommodation targeted at a small demographic of users is insufficient to establish that there is a demonstrated need for a proposed hotel to satisfy the Goal 9 requirement that the county provide “adequate opportunities for a variety of economic activities.” *VinCEP v. Yamhill County*, 55 Or LUBA 433 (2007).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. In justifying a reasons exception under OAR 660-004-0020(2) to allow nonresource uses on resource lands, a local government may choose the preferred alternative as long as the environmental, social, economic and energy consequences are not “significantly more adverse” than would typically result from using other resource lands for the proposed use. A local government is not required to choose the alternative that is “least disruptive to resource land.” *1000 Friends of Oregon v. Yamhill County*, 52 Or LUBA 418 (2006).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. The environmental, economic, social and energy (ESEE) analysis does not elevate economic consequences above the other three types of consequences that must be analyzed. A local government could reach a sustainable conclusion that the long-term ESEE consequences of the preferred alternative “are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception,” notwithstanding that analysis of economic consequences indicates that another alternative is superior in that respect. *1000 Friends of Oregon v. Yamhill County*, 52 Or LUBA 418 (2006).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Findings that all resource land displaced by a proposed bypass consist of high-value farmlands and are similar in agricultural

productivity are sufficient to satisfy the OAR 660-004-0020(2) requirement to determine which resource land is least productive, absent some argument from the petitioner for why an explicit productivity ranking is required. *1000 Friends of Oregon v. Yamhill County*, 52 Or LUBA 418 (2006).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Applicants for an exception to Goal 3 to rezone land to allow division into two parcels for eventual development of an additional nonfarm dwelling are not seeking approval for a “type of use” that could be approved as a nonfarm dwelling without an exception to Goal 3 and are not prohibited from taking an exception under the Court of Appeals’ ruling in *DLCD v. Yamhill County*, 183 Or App 556, 53 P3d 462 (2002). *Friends of Yamhill County v. Yamhill County*, 47 Or LUBA 508 (2004).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. A county may not rely on a previously adopted Goal 3 exception for airport related industrial uses to justify approving a major automobile speedway and speedway related uses on rural agricultural land. Although the same factors that the county relied on to justify Goal 11 and Goal 14 exceptions for the speedway and related uses might justify a new Goal 3 exception, a new Goal 3 exception must be adopted to replace the one that was adopted for the airport related industrial uses. *Doherty v. Morrow County*, 44 Or LUBA 141 (2003).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. OAR 660-004-0000(2) does not, as a matter of law, impose a requirement that an applicant for an exception to Goal 3 to permit a single-family dwelling on a 10-acre parcel first exhaust all other potential avenues to obtain approval for that single-family dwelling. *DLCD v. Yamhill County*, 42 Or LUBA 126 (2002).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Findings that merely assert that a property is better suited for rural residential use than for farm use are inadequate to support a reasons exception under OAR 660-004-0020 and 660-004-0022. *DLCD v. Yamhill County*, 42 Or LUBA 126 (2002).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Before amending an urban growth boundary to add land with predominantly Class I soils to meet an identified need for commercial land, a county must determine whether alternatives to adding a site with predominantly Class I soils can reasonably accommodate the identified need. That alternatives analysis under OAR 660-004-0020(2)(b)(B) is a multi-factor analysis and rejecting alternative sites solely because they have soils that may increase development costs is error. *DLCD v. Douglas County*, 38 Or LUBA 542 (2000).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Land that is already included within a UGB is assumed to be available for urban development. That assumption is not rendered invalid simply because sites that are planned and zoned for residential, industrial and commercial use have soil or other characteristics that make them less than ideal to develop. *DLCD v. Douglas County*, 38 Or LUBA 542 (2000).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Alternative sites to meet an identified need for commercially planned and zoned land may not be rejected solely because they have soils limitations that the USDA estimates may result in an average 39 percent development cost increase for some small commercial buildings. The estimated 39 percent cost increase is an average, so it may be lower in particular cases, and any added cost may be offset by other advantages the sites may possess. *DLCD v. Douglas County*, 38 Or LUBA 542 (2000).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. A reasons exception to Goals 3 and 4 must be based on the considerations set forth in Goal 2 and OAR 660-004-0020 and 660-004-0022. Under OAR 660-004-0022, the fact that farm and forest land is not prime timber or agricultural land is not a legally cognizable basis to adopt a reasons exception to Goals 3 and 4. *McLane v. Klamath County*, 37 Or LUBA 888 (2000).

7. 6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. A generalized statement that livestock operations are incompatible with residential uses is insufficient to show that the particular livestock operations on the property for which an exception is proposed are incompatible with existing residential uses. *DLCD v. Wallowa County*, 37 Or LUBA 105 (1999).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Pasturing livestock is a “farm use” as that term is defined in ORS 215.203(2), even though the owner’s primary purpose in pasturing cattle on the property is to reduce fire potential by reducing ground cover. *DLCD v. Wallowa County*, 37 Or LUBA 105 (1999).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. A local government decision approving a physically developed exception under OAR 660-04-025 to Goals 3 and 4 will be remanded where the findings do not establish that the property is physically developed with non-resource uses. *DLCD v. Columbia County*, 32 Or LUBA 221 (1996).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. In considering the substantiality of evidence supporting a Goal 3 reasons exception for realignment of a highway, LUBA must look at the evidence supporting the challenged decision for the entire four-mile stretch of highway and all the impacted properties, not just the evidence of effects on one of the properties. *Schrock Farms, Inc. v. Linn County*, 31 Or LUBA 57 (1996).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Under OAR 660-04-020(2)(d), an exception to Goal 3 may be approved so long as compatibility with adjacent uses *will be* achieved through measures designed to reduce adverse impacts; compliance with the compatibility standard need not be actually achieved prior to approval of the exception. *Schrock Farms, Inc. v. Linn County*, 31 Or LUBA 57 (1996).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. The standards for approving a physically developed exception to Statewide Planning Goals 3 and 4 are demanding. The county must find that the property has been physically developed to such an extent that all Goal 3 or 4 resource uses are precluded. Uses established in accordance with the goals cannot be used to justify such an exception. *Sandgren v. Clackamas County*, 29 Or LUBA 454 (1995).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Even if petitioners' evidence supports a conclusion that a resource parcel is not adequate for commercial timber production, that conclusion does not justify an exception to Goals 3 and 4 since it does not establish that all uses allowed by the applicable goals are impracticable. *Sandgren v. Clackamas County*, 29 Or LUBA 454 (1995).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. The county's denial of a developed exception will be upheld when the county finds that the physical characteristics of the property do not render it irrevocably committed to nonresource uses; there is continuing resource

use of properties to the north, east and west; and the existence of public facilities and services installed to serve the residence on the site do not irrevocably commit the remainder of the site to nonresource uses. *Sandgren v. Clackamas County*, 29 Or LUBA 454 (1995).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Findings that address only the practicability of commercial forestry uses, rather than all commercial and non-commercial 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Where a county makes an unchallenged determination that the “reason” justifying an exception to Goal 3 under ORS 197.732(1)(c)(A) and OAR 660-04-020(2)(a) is the need for a church to serve a congregation located in and around the City of Amity, the county is not required to consider as alternative sites land within the UGBs of other cities in the county. *Cox v. Yamhill County*, 29 Or LUBA 263 (1995).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. A county governing body’s interpretation that an otherwise applicable code permit standard requiring “Class I-IV soils [to] be preserved and maintained for farm use” is not applicable to land for which an exception to Statewide Planning Goal 3 (Agricultural Lands) has been adopted as part of the acknowledged county comprehensive plan, is not “clearly wrong,” and is within the governing body’s discretion under ORS 197.829. *Reeves v. Yamhill County*, 28 Or LUBA 123 (1994).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Where a local government properly determines certain land is not farm or forestland subject to Statewide Planning Goals 3 and 4, an exception to Goals 3 and 4 is *not* required to support comprehensive plan and zone map amendments designating such property for residential use. *Bates v. Josephine County*, 28 Or LUBA 21 (1994).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. Even if a local government may establish the level of profitability necessary to qualify as a “farm use,” as that term is defined by ORS 215.203, such level may not be set at the same level that would qualify a farm use as a commercial agricultural enterprise. *1000 Friends of Oregon v. Yamhill County*, 27 Or LUBA 508 (1994).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. 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).

7.6 Goal 3 – Agricultural Lands/ Goal 3 Rule – Exceptions to. In adopting exceptions to Goals 3 and 4 as post-acknowledgment plan amendments, a local government must also address Goal 5 if the exceptions concern or affect lands included on the local government’s acknowledged inventory of Goal 5 resources. *1000 Friends of Oregon v. Yamhill County*, 27 Or LUBA 508 (1994).