

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. OAR 660-033-0140 provides that a decision extending the expiration period for an ORS 215.402 permit decision on farm or forest land is not a “land use decision,” and therefore such an extension decision is not within LUBA’s jurisdiction. *Jones v. Douglas County*, 63 Or LUBA 261 (2011).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. Farms are part of the “existing commercial agricultural enterprise” as that phrase is used in Goal 3 if they contribute to the overall agricultural economy in the area in a substantial way. *Friends of Linn County v. Linn County*, 54 Or LUBA 191 (2007).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. Where a county’s findings of fact merely show that some constraints must be overcome to farm property, they do not establish sufficient reasons to support a reasons exception to Statewide Planning Goal 3 (Agricultural Lands). *Rhinhart v. Umatilla County*, 53 Or LUBA 402 (2007).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. The first sentence of OAR 660-004-0022(2) prohibits reliance on a continuation of past development patterns in approving a reasons exception to Statewide Planning Goal 3 to allow rural residential development *Rhinhart v. Umatilla County*, 53 Or LUBA 402 (2007).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. A generalized market demand for smaller, less expensive farm parcels to allow part-time farming in conjunction with rural residential use is not a permissible reason for adopting a Statewide Planning Goal 3 exception to divide a small farm parcel into smaller farm parcels. *Rhinhart v. Umatilla County*, 53 Or LUBA 402 (2007).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. Under OAR 660-004-0022(2) it is not enough to show that persons who might want to buy proposed rural residences might work at nearby rural businesses. Rather, the county must show that the property that the exception is proposed for is needed to meet the market demand for housing that is created by “rural industrial, commercial, or other economic activity in the area.” *Rhinhart v. Umatilla County*, 53 Or LUBA 402 (2007).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. In approving a reasons exception for rural residential development, Goal 2, Part II(c)(2) requires a demonstration that sites that do not require an exception cannot reasonably accommodate the use. In making that demonstration, it is error to exclude alternative sites simply because they do not have particular characteristics of the exception site, where those characteristics are not common or necessary attributes of rural residential development. *Rhinhart v. Umatilla County*, 53 Or LUBA 402 (2007).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. While population forecasts may eventually be used to provide a partial basis for a local government to take future actions that might have an effect upon farmland, the forecasts do not have an effect on farmland, and therefore do not implicate Goal 3. *Friends of Deschutes County v. Deschutes County*, 49 Or LUBA 100 (2005).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. A Statewide Planning Goal 3

guideline does not impose an approval standard for a permit for a use authorized under ORS 215.283(2) and local implementing regulations. *Hiebenthal v. Polk County*, 45 Or LUBA 297 (2003).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. A county decision that approves the redesignation of property from a nonresource zone to rural residential zone does not implicate Goal 3, even though the county may have erred in its original decision to zone the property for nonresource use rather than agricultural use and LCDC may have erred in acknowledging the nonresource designation for the property. *Caldwell v. Klamath County*, 45 Or LUBA 548 (2003).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. A county does not err by refusing to apply Goal 3 or by failing to require an exception to Goal 3 to allow nonresource-zoned property to be rezoned for rural residential use, where the nonresource zoning designation for that property was acknowledged and the proposed rural residential zoning designation is consistent with that initial determination. *Caldwell v. Klamath County*, 45 Or LUBA 548 (2003).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. 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).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. 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).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. 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).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. Where a county’s legislative decision changes the comprehensive plan designation for a property from Industrial to Primary Agriculture, and the record does not reflect that the county considered other potentially suitable designations or explained why other potentially suitable designations should not be applied, the decision and record are insufficient to demonstrate that applicable criteria were considered. *Manning v. Marion County*, 42 Or LUBA 56 (2002).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. Where a local comprehensive plan provision is designed to implement, and in fact essentially mirrors, the requirements for compliance with Goal 3, LUBA owes deference to the local government’s interpretation only to

the extent that interpretation is consistent with Goal 3. *Doob v. Josephine County*, 31 Or LUBA 275 (1996).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. County comprehensive plan and ordinance amendments affecting a county’s exclusive farm use zone(s), adopted after August 7, 1993, are required to implement the requirements of OAR Chapter 660, Division 33 for important farmland. OAR 660-33-150(3) (1993). *1000 Friends of Oregon v. Marion County*, 27 Or LUBA 303 (1994).

7.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Generally. Where OAR 660-33-150(4)(a) (1993) requires a county to complete the process of implementing the requirements of the Goal 3 rule for high-value farmland by October 31, 1995, the county did not err by failing to bring its exclusive farm use zones into compliance with the requirements for high-value farmland in the 1993 version of the Goal 3 rule when it adopted amendments to its EFU zones in November 1993. *1000 Friends of Oregon v. Marion County*, 27 Or LUBA 303 (1994).