

**7.2.4 Goal 3 – Agricultural Lands/ Goal 3 Rule – Agricultural Land Definition – Other Necessary Land.** A PAPA that creates a new plan designation and zone and makes a parcel eligible for the new zone if it is at least 20 acres in size and if 60 percent of it is eligible for the new plan designation does not comply with the Goal 3 requirement to protect agricultural lands, even where the PAPA excludes lands zoned EFU from eligibility for the new plan designation, where it does not also exclude lands in other zones which may be necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands. *DLCD v. Douglas County*, 80 Or LUBA 98 (2019).

**7.2.4 Goal 3 – Agricultural Lands/ Goal 3 Rule – Agricultural Land Definition – Other Necessary Land.** The possibility that certain potential uses might cause some conflicts with existing farm and forest practices does not demonstrate that land is necessary for continued farm and forest operations. The fact that existing farm or forest operators propose conditions of approval for the subject property suggests that the property is not necessary to continue those farm or forest operations. *Walker v. Josephine County*, 60 Or LUBA 186 (2009).

**7.2.4 Goal 3 – Agricultural Lands/ Goal 3 Rule – Agricultural Land Definition – Other Necessary Land.** An adjoining farmer’s testimony that a parcel need not remain in farm zoning to allow their farm operations to continue, combined with the absence of any history of combined farm use, is substantial evidence supporting a county’s finding that the parcel is not “agricultural land” under the OAR 660-033-0020(1)(a)(C) definition. *Wetherell v. Douglas County*, 54 Or LUBA 678 (2007).

**7.2.4 Goal 3 – Agricultural Lands/ Goal 3 Rule – Agricultural Land Definition – Other Necessary Land.** When the decision does not describe adjacent or nearby agricultural use, it fails to demonstrate that the property is not necessary to permit adjacent and nearby farm practices to continue. *Wetherell v. Douglas County*, 52 Or LUBA 677 (2006).

**7.2.4 Goal 3 – Agricultural Lands/ Goal 3 Rule – Agricultural Land Definition – Other Necessary Land.** Under OAR 660-033-0020(1)(a)(C), which includes within the definition of “agricultural lands” land that is “necessary” to permit farm practices on adjacent or nearby agricultural lands, the county must consider whether there is some connection between the subject property and adjacent or nearby farm practices such that the subject property must remain as “agricultural land” in order to permit such practices on adjacent or nearby lands to be undertaken. *Wetherell v. Douglas County*, 50 Or LUBA 167 (2005).

**7.2.4 Goal 3 – Agricultural Lands/ Goal 3 Rule – Agricultural Land Definition – Other Necessary Land.** In determining whether a parcel is agricultural land under Goal 3, a local government must: (1) evaluate the soils and suitability of the entire subject property under applicant’s ownership, and (2) determine whether the entire subject property is necessary to permit farm practices on nearby lands under OAR 660-33-020(1)(a)(C). *DLCD v. Curry County*, 33 Or LUBA 728 (1997).

**7.2.4 Goal 3 – Agricultural Lands/ Goal 3 Rule – Agricultural Land Definition – Other Necessary Land.** In determining whether land subject to a proposed comprehensive plan and zone map change is (1) suitable for farm use, (2) necessary to permit farm use on other agricultural land,

or (3) intermingled with lands of Class I-IV soils; as required by OAR 660-33-020(1)(a)(B)-(C) and (b); a local government's analysis must include all property in common ownership with the subject land. *DLCD v. Curry County*, 28 Or LUBA 205 (1994).