

7.3.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Commercial Agricultural Enterprise. Goal 3 (Agricultural Lands), LCDC administrative rules concerning Goal 3 and the statutory EFU zone contain a level of detail that frequently requires that counties replicate the statutory and rule language in their EFU zones. *Friends of Umatilla County v. Umatilla County*, 58 Or LUBA 12 (2008).

7.3.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Commercial Agricultural Enterprise. ORS 215.780(1)(a) expressly authorizes counties to adopt an 80-acre minimum parcel size in the EFU zone, and ORS 215.263(2)(b) expressly authorizes counties to approve partitions of EFU-zoned land if the resulting parcels “are not smaller than the minimum size established under ORS 215.780.” Additional justification for adopting the statutorily authorized 80-acre minimum parcel size is not required by Goal 3, ORS 215.243 and 215.700. *Friends of Umatilla County v. Umatilla County*, 58 Or LUBA 12 (2008).

7.3.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Commercial Agricultural Enterprise. It is not error for a county to amend its code to recognize that under ORS 215.780(2)(a), a minimum parcel size of less than 80 acres may be authorized by LCDC in the future pursuant to OAR 660-033-0100(2) through (9), if the county is able to justify such smaller minimum parcel sizes in the future. *Friends of Umatilla County v. Umatilla County*, 58 Or LUBA 12 (2008).

7.3.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Commercial Agricultural Enterprise. ORS 215.263 expressly authorizes a number of different kinds of land divisions of EFU-zoned land for development of non-farm uses on parcels that are smaller than the minimum parcel size for land divisions for new farm parcels. A county may include such authorization in its EFU zone and Goal 3, ORS 215.243 and 215.700 do not require that a county adopt findings to justify its decision to include such statutory authorizations. *Friends of Umatilla County v. Umatilla County*, 58 Or LUBA 12 (2008).

7.3.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Commercial Agricultural Enterprise. A county is not obligated to explain its choice to adopt current statutory standards for land divisions in its EFU zone in place of the previously adopted county standards for such land divisions. *Friends of Umatilla County v. Umatilla County*, 58 Or LUBA 12 (2008).

7.3.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Commercial Agricultural Enterprise. 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).

7.3.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Commercial Agricultural Enterprise. In determining the “existing commercial agricultural enterprise,” a county must take a broad-based view of the entire agricultural enterprise in a given area, not a limited inventory of one specific crop or farm use. *Friends of Linn County v. Linn County*, 54 Or LUBA 191 (2007).

7.3.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Commercial Agricultural Enterprise. A county errs when it defines “the area” to be inventoried under Goal 3 as the entire county but fails to inventory the existing commercial agricultural enterprise in the county, and determine the minimum parcel size necessary to continue that enterprise. *Friends of Linn County v. Linn County*, 54 Or LUBA 191 (2007).

7.3.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Commercial Agricultural Enterprise. Under OAR 660-05-005 to 660-06-020 and *Still v. Marion County*, 22 Or LUBA 331 (1991), there are three steps that must be followed to determine if a proposed partition of EFU land is appropriate. First, an area large enough to accurately represent the existing commercial agricultural enterprise must be identified. Second, the existing *commercial* agricultural enterprises in the area must be identified. Third, it must be determined that the proposed division will result in parcels of sufficient size to “maintain” or “continue” the identified existing commercial agricultural enterprise in the area. *Still v. Marion County*, 32 Or LUBA 40 (1996).

7.3.1 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Commercial Agricultural Enterprise. The county erred by applying a local ordinance to determine, without further explanation, that the relevant area to be considered for purposes of OAR 660-05-015(6)(c) was limited to the zone in which the subject parcel is located. *Still v. Marion County*, 32 Or LUBA 40 (1996).