

**7.3.2 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Operation and Effect of.** 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).

**7.3.2 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Operation and Effect of.** 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).

**7.3.2 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Operation and Effect of.** 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).

**7.3.2 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Operation and Effect of.** 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).

**7.3.2 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Operation and Effect of.** 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).

**7.3.2 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Operation and Effect of.** ORS 215.780(2), the “go below” statute, provides the authority for counties to adopt a minimum lot size for EFU parcels that is lower than the 80-acre minimum lot size prescribed by ORS 215.780(1). Where a local code provision is not adopted pursuant to the procedures set forth in ORS 215.780(2)(a) and (5), it is not a “go below” provision. *Jouvenat v. Douglas County*, 58 Or LUBA 378 (2009).

**7.3.2 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Operation and Effect of.** Notwithstanding a local zoning ordinance provision that would allow a property line adjustment between an existing 115-acre parcel and an existing 40-acre parcel to reduce the 40-acre parcel to a 27-acre parcel and increase the 115-acre parcel to a 128-acre parcel, where those parcels are located in an exclusive farm use zone that is subject to an 80-acre minimum

parcel size under ORS 215.780(1)(a), the reduction in size of the already substandard 40-acre parcel violates ORS 215.780(1)(a). *Phillips v. Polk County*, 53 Or LUBA 194 (2007).

**7.3.2 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Operation and Effect of.** The minimum lot or parcel size requirements of ORS 215.780(1) for resource lands do not apply to decisions that rezone a portion of a resource parcel to nonresource use but do not partition or subdivide the parcel. *DLCD v. Coos County*, 39 Or LUBA 432 (2001).

**7.3.2 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Operation and Effect of.** Consistent with the statutory scheme and policy of ORS 215.243, ORS 215.284(3) requires that a partition must leave a remainder parcel that meets the minimum parcel size, whether or not the remainder parcel is suitable for farm use. *Dorvinen v. Crook County*, 33 Or LUBA 711 (1997).

**7.3.2 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Operation and Effect of.** Unless approval is given by LCDC under ORS 215.780(2) for a smaller minimum lot size or sizes, ORS 215.780(1) requires a county to apply minimum lot sizes of 80 acres (designated forestland and non-range farmland) or 160 acres (designated rangeland) in its farm and forest zones. *DLCD v. Josephine County*, 28 Or LUBA 459 (1994).

**7.3.2 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Operation and Effect of.** Where a county's EFU zone minimum lot size standard was subject to periodic review by LCDC under the old periodic review provisions of ORS 197.640 to 197.649 (1989), *not* under the new periodic review provisions of ORS 197.628 to 197.636, the county may not apply a minimum lot size less than that required by ORS 215.780(1) to EFU-zoned land without LCDC approval pursuant to ORS 215.780(2). *DLCD v. Wallowa County*, 28 Or LUBA 452 (1994).

**7.3.2 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Operation and Effect of.** ORS 215.780, Goal 3 and OAR 660-33-100 require a county to adopt one or more minimum parcel sizes of specific acreages for exclusive farm use zone(s), and do not allow determinations of minimum parcel sizes in EFU zones through the case-by-case application of performance standards. *DLCD v. Wallowa County*, 28 Or LUBA 452 (1994).

**7.3.2 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Operation and Effect of.** The 1993 legislature adopted specific minimum lot and parcel sizes. For forestland and farmland that is not designated rangeland, the minimum lot or parcel size is 80 acres. ORS 215.780(1)(a) and (c). For land zoned for exclusive farm use and designated as rangeland, the minimum lot or parcel size is 160 acres. ORS 215.780(1)(b). *DLCD v. Douglas County*, 28 Or LUBA 242 (1994).

**7.3.2 Goal 3 – Agricultural Lands/ Goal 3 Rule – Minimum Lot Size Standard – Operation and Effect of.** The ORS 215.780(2) provisions that allow counties to adopt a minimum lot size smaller than would otherwise be required for farmland and forestland by ORS 215.780(1), require that a county obtain LCDC approval for such smaller lot sizes *before* adopting such smaller lot sizes. *DLCD v. Douglas County*, 28 Or LUBA 242 (1994).