

8.5.2 Goal 4 – Forest Lands/ Goal 4 Rule – Land Divisions – Minimum Lot Sizes.

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).

8.5.2 Goal 4 – Forest Lands/ Goal 4 Rule – Land Divisions – Minimum Lot Sizes.

When determining whether land is "forest land" under the Goal 4 suitability standard, if the subject property is smaller than the county's base forest zone minimum parcel size, all of the subject property, not a portion of it, must be considered. *DLCD v. Curry County*, 33 Or LUBA 728 (1997).

8.5.2 Goal 4 – Forest Lands/ Goal 4 Rule – Land Divisions – Minimum Lot Sizes.

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).

8.5.2 Goal 4 – Forest Lands/ Goal 4 Rule – Land Divisions – Minimum Lot Sizes.

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).

8.5.2 Goal 4 – Forest Lands/ Goal 4 Rule – Land Divisions – Minimum Lot Sizes.

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).

8.5.2 Goal 4 – Forest Lands/ Goal 4 Rule – Land Divisions – Minimum Lot Sizes.

ORS 215.780(1) unambiguously imposes an 80-acre minimum lot size on lands designated for forest use, unless the exceptions provided by ORS 215.780(2) or (3) apply. Neither of those exceptions allows the creation of parcels smaller than 80 acres for homestead dwellings. *DLCD v. Douglas County*, 28 Or LUBA 242 (1994).