

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

C. GLENN SHIRLEY,)
)
Petitioner,)
)
vs.)
) LUBA No. 90-081
WASHINGTON COUNTY,)
) FINAL OPINION
Respondent,) AND ORDER
)
and)
)
KO-AM REALTY COMPANY, INC.,)
)
Intervenor-Respondent.)

Appeal from Washington County.

C. Glenn Shirley, Portland, filed the petition for review and argued on his own behalf.

David C. Noren, Hillsboro, filed a response brief and argued on behalf of respondent.

E. Andrew Jordan, Portland, filed a response brief and argued on behalf of intervenor-respondent. With him on the brief was Bolliger, Hampton & Tarlow.

SHERTON, Chief Referee; HOLSTUN, Referee; KELLINGTON, Referee, participated in the decision.

AFFIRMED

10/17/90

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

Opinion by Sherton.

NATURE OF THE DECISION

Petitioner¹ appeals a Washington County Board of Commissioners resolution and order approving a comprehensive plan map amendment from Exclusive Forest and Conservation (EFC) to Exclusive Farm Use (EFU) for a 160 acre parcel.²

MOTION TO INTERVENE

Ko-Am Realty Company, Inc., moves to intervene in this proceeding on the side of respondent. There is no opposition to the motion, and it is allowed.

FACTS

The county findings describe the subject parcel as follows:

"The 159.79 acre site is located * * * off Cornelius Pass Road, northeast of Hillsboro. Two small intermittent streams flow generally south across the parcel, joining just south of the parcel boundary to form Rock Creek. Approximately 40% [of the parcel] or 64 acres are presently under cultivation, mainly in small grain. The remainder of the property is wooded with stands of Douglas-Fir, Maple and Cedar. Slopes range from slight to severe, with severe slopes occurring primarily in the riparian areas. The parcel is surrounded by EFU designated lands and existing

¹The notice of intent to appeal in this proceeding was filed by C. Glenn Shirley and McKay Creek Valley Association. However, McKay Creek Valley Association did not file a petition for review and, therefore, its appeal is dismissed. OAR 661-10-030(1).

²Washington County has a unified comprehensive plan and zoning map and, therefore, an amendment to the comprehensive plan map also constitutes a zone change.

farm uses on all sides.^[3] The Multnomah County line forms the northern border of the site." Record 11.

Intervenor-respondent (intervenor) owns the subject parcel and the 52 acre EFU designated parcel adjoining it to the west. Intervenor applied for a change in the Rural Plan Map designation for the subject parcel to EFU "to permit flexibility in applying for conditional uses permitted in the EFU zone, but not specifically allowed in the EFC zone." Id. According to the county's findings, "[t]he conditional use alluded to by the applicant is a golf course." Id. Golf courses are permitted through a Type III procedure in the EFU district,⁴ but are prohibited in the EFC district. Washington County Community Development Code (CDC) 340-4.1.D, 342-5.1. However, no application for approval of a golf course was before the county at the time it adopted the appealed resolution.

After a public hearing, the planning commission approved intervenor's application. The planning commission

³We note the county states elsewhere in its findings that property adjoining 3/4 of the southern boundary of the subject parcel is designated Agriculture and Forest - 10 (AF-10). Record 18. AF-10 property adjoining 3/4 of the southern boundary of the subject parcel is also shown on the amended plan map adopted by the challenged resolution. Record 5. The AF-10 designation is considered a rural residential designation, not an exclusive farm use designation. Washington County Comprehensive Plan, Rural/Natural Resource Plan Element (Rural Plan), page 3.3.

⁴The county's Type-III procedure calls for a decision by the hearings officer or planning commission after a public hearing. Additionally, the approval of a golf course in the EFU district must satisfy the approval standards of CDC 340-4.2 and 430-51.

decision was appealed to the board of commissioners by McKay Creek Valley Association. After a review based on the record established before the planning commission, the county board of commissioners adopted the challenged resolution and order.

FIRST ASSIGNMENT OF ERROR

"In determining that the criteria used to change the land use district from EFC to EFU were met, the county misconstrued the applicable law and made findings not supported by substantial evidence in the entire record."

Implementing Strategy (strategy) p(1)A of Rural Plan Policy 1 ("The Planning Process") states that with regard to proposed plan map amendments from EFC to EFU (or EFU to EFC), the county shall:

"Determine the appropriate District considering the following:

- "I. Soils types as related to Goals 3 and forest classifications as related to Goal 4;
- "II. the predominant use of the property;
- "III. the predominant use and land use district of the surrounding properties;
- "IV. what kinds of crops or forest uses would be possible on the parcel given the size and conflicts with adjacent uses;
- "V. physical characteristics of the site;
- "VI. whether the site is or has been on a farm or forest deferral * * *"

Petitioner contends (1) the county failed to satisfy the criteria listed in paragraphs I through IV of

strategy p(1)A, in that the county's findings addressing those criteria are inadequate or are not supported by substantial evidence; and (2) the county erred in concluding that under strategy p(1)A, EFU is the appropriate designation for the subject parcel.

Respondent and intervenor-respondent (respondents) assert that strategy p(1)A requires the county to determine the appropriate designation for the subject parcel "considering" six listed "issues." Respondents argue that these "issues" are not worded as approval standards, but rather as factors to be weighed and analyzed. According to respondents, the question for this Board to decide under this assignment of error, therefore, is whether the county reasonably considered and weighed these six issues, not whether the county complied with six specific approval standards.

We agree with respondents that the matters listed in paragraphs I through VI of strategy p(1)A are factors which must be considered by the county in determining the appropriate designation for the subject parcel, not approval standards for that determination. See Bridges v. City of Salem, ___ Or LUBA ___ (LUBA No. 90-035, July 27, 1990), slip op 19-20; Miller v. City of Ashland, 17 Or LUBA 147, 178-179 (1988). Accordingly, we must determine under this assignment of error (1) whether the county adequately considered each of the factors challenged by petitioner; and

(2) whether the county's determination that EFU is the appropriate designation for the subject parcel is supported by its analysis of factors I through VI of strategy p(1)A.

A. Soil Types

Petitioner contends the county's finding that only 33% of the subject parcel has soil suitable for forest uses is not supported by substantial evidence in the record. Petitioner argues that expert testimony in the record establishes that in fact, 67% of the subject parcel has soil suitable for forest uses.⁵

Respondents argue that it does not matter whether 33% or 67% of the subject parcel is suitable for forest use. According to respondents, the county determined that the 34% difference in the parcel's soils' woodland suitability was not a deciding factor in its decision. Respondents argue that the county determined that this variation in woodland suitability is outweighed by the fact that 95% of the parcel's soils are suitable for agricultural use, and other relevant factors.

The county's findings discuss the issue of whether 33%

⁵According to petitioner, this discrepancy exists because while 33% of the subject parcel is Cascade Silt Loam, which all parties agree is suitable for forest use, 34% of the parcel is Helvetia Silt Loam, a soil type which has not been given a woodland suitability rating in the U.S. Soil Conservation Service (SCS) Soil Survey for Washington County. Petitioner contends, however, that expert testimony in the record establishes that Helvetia Silt Loam is rated for woodland suitability in SCS soil surveys for other counties, and actually has a higher rating than Cascade Silt Loam.

or 67% of the soils on the subject parcel should be considered suitable for forest uses at length. Record 13-15. However, the county concludes the significant issue with regard to proper designation of the subject parcel is:

"* * * if it is more important to preserve land that clearly falls under the definition of farm land according to the Washington County Comprehensive Plan or retain forest land that has limited values for timber production, watershed protection, wildlife habitat and recreation." Record 15.

The findings go on to state:

"The appellant also claims that a majority of the site supports forestry. The evidence presented by the applicant showed that 95% of the property is [SCS] soil class I through III and that only 33% of the subject property has an SCS woodland capability. Notwithstanding the evidence submitted by the opponents to the contrary, it is evident that the predominant use of the property, in terms of productivity, is agricultural and that the entire parcel is suitable for agricultural use. It is also evident that the suitability of the property for forestry is at least questionable given the soil classifications and the fact that the subject property is surrounded by agricultural uses, except for an EFC parcel at the northwest corner." (Emphasis added.) Record 39-40.

The county's findings thoroughly explain the dispute with regard to whether 33% or 67% of the soils on the subject parcel should be considered suitable for forest use. Record 13-15. However, we understand the above quoted findings to state that regardless of whether 33% or 67% of the soil on the subject parcel is considered suitable for

forest use, the fact that 95% of the soil is suitable for agricultural use favors an EFU designation. Petitioner does not challenge the county finding that 95% of the soils on the parcel are suitable for agricultural use. We agree with respondents that the county's evaluation of the soil types factor of strategy p(1)A does not depend on a finding that only 33% of the soil on the subject parcel is suitable for forest use. Therefore, even if that finding were not supported by substantial evidence, it would not affect the county's analysis under this factor of strategy p(1)A.

B. Predominant Use

Petitioner argues that the county's conclusion that the predominant use of the subject parcel is agriculture is not supported by substantial evidence in the record. According to petitioner, the only basis for this conclusion is that the 60% of the parcel which is forested has not been "managed" for commercial forestry in the past 11 years for which records exist. Petitioner argues there is expert evidence in the record that 11 years without forestry operations is not inconsistent with a 60 to 80 year commercial timber harvest cycle. Petitioner also contends that an analysis of predominant use should take into consideration other forest uses besides commercial timber production.

Respondents argue that the evidence shows that 40% of the subject parcel is under active cultivation and the

remainder is unmanaged timber. Respondents contend the evidence shows, and the county found, there has been no historical value enhancement of the property for forestry purposes. According to respondents, "[b]ased on this weighing of present and historical activity and production on the property, the County reasonably concluded that agriculture was the predominant use." Intervenor-Respondent's Brief 9.

There is no dispute that 40% of the subject parcel is in active cultivation, the remaining 60% is forested, and the forested portion has undergone no timber management operations in the past 11 years, the only years for which records exist. The county findings state:

"As pointed out by the applicant, unmanaged stands of trees have lower value than those that are properly managed. This does not mean that the property has no value for forestry. Even unmanaged trees are likely to have some value when they reach maturity, and there are the other values noted by the applicant: watershed protection, fish and wildlife habitat, and recreation.^[6] Nevertheless, there has been no emphasis on value enhancement of forestry

⁶The findings include the following summary of the applicant's response to this issue:

"* * * Problems do arise when applying [forest values other than commercial timber management] on small, private tracts of forested land similar to what we are dealing with in this situation. Watershed protection, recreation, and fish and wildlife habitat are all limited by the small size of the parcel, its relative isolation from other forested tracts, and its limited access attributable to private ownership." Record 17.

resources on the site for at least 11 years. * * *
The present cultivation of the property does show
that, at the present time, the emphasis is on
enhancing the value of agricultural crops on the
property." Record 17.

The findings also conclude "the predominant use of the
property, in terms of productivity, is agricultural * * *."
Record 39.

The county apparently interprets "predominant use of
the property," as that term is used in factor II of
strategy p(1)A, to refer to the current use for which the
subject property is primarily being actively employed, in
the sense of active management and value enhancement by
current users of the property. We agree with respondents
that this is a reasonable and correct interpretation of
factor II, given that other factors of strategy p(1)A (i.e.
factors I, IV and V) require consideration of the potential
of the property for both farm and forest uses, regardless of
whether such uses are being actively engaged in at the
present time. There is no disagreement that the only
activity for which the subject parcel is actively being
managed at the present time is agriculture. Therefore, the
county's analysis under this factor is appropriate, and
supports its conclusion that the predominant use of the
subject parcel is agriculture.

**C. Predominant Use and Designation of Surrounding
Properties**

Petitioner challenges the county's finding that

"suitability of the property for forestry is at least questionable given * * * the fact that the subject property is surrounded by agricultural uses except for an EFC parcel at the northwest corner." Record 40. Petitioner argues that the record indicates that additional nonabutting EFC properties are located northwest of the property, and that other abutting properties are designated AF-10, AF-5 and Rural Commercial (R-COM). According to petitioner, given that there are nearby and abutting properties designated both EFC and EFU, and that both forestry and agriculture are uses permitted under both the EFC and EFU designations, the county "erred in concluding that the Property should be EFU to be consistent with surrounding uses." Petition for Review 10.

The county's findings addressing factor III state:

"The Rural/Natural Resource Plan tabloid map shows that the northwest corner of the subject property touches [at a single point] the southeast corner of a property that is also designated EFC. Other properties to the northwest are also designated EFC.^[7] Abutting property to the east and west is designated EFU. According to Multnomah County, property to the north, across the County line is also designated for exclusive farm use. About one-fourth of the [abutting] property to the south is designated EFU, while the remainder of the abutting properties to the south are in an exception area and are designated AF-10. Other properties in the [surrounding] area are

⁷There is evidence in the record that these other EFC properties to the northwest are approximately 3/4 of a mile from the subject parcel. Record 17.

designated AF-5 and Rural Commercial. The predominant use of the properties in the vicinity appears to be for farming and rural residences." Record 18.

Petitioner does not specifically challenge the above quoted findings.⁸ Rather, petitioner challenges the county's conclusion that the "predominant use and land use districts of the surrounding property" factor favors an EFU designation for the subject parcel, based on the county's statement that the suitability of an EFC designation is questionable given that "the subject property is surrounded by agricultural uses, except for an EFC parcel at the northwest corner." Record 40.

It is true the subject parcel is not completely surrounded by agricultural uses in that, as the county stated elsewhere in its findings, 3/4 of the southern boundary of the parcel is abutted by rural residential use on AF-10 designated property, and there is an EFC designated parcel touching the subject property at its northwest corner. However, we believe the challenged finding is intended to state that in choosing between an EFU and EFC designation for the subject parcel, the county concluded

⁸In fact the above quoted findings are entirely consistent with the facts asserted by petitioner, except that petitioner contends there are AF-5 and R-COM designated properties, as well as AF-10 designated properties, abutting the subject parcel to the south. However, petitioner cites no evidence which supports this contention, and the rural plan map adopted as part of the decision supports the county's finding that 1/4 of the property abutting the subject parcel to the south is designated EFU and the remainder is designated AF-10. Record 5.

that the predominant use and designation of the surrounding properties is for farm, rather than forest, use. We find no error in the county's conclusion regarding this factor.

D. Possible Farm or Forest Uses

Petitioner argues that the county's finding that possible forest uses of the subject parcel, such as watershed protection, fish and wildlife habitat and recreation, are limited by the small size of the parcel, its relative isolation from other forested tracts and its limited access attributable to private ownership is not supported by substantial evidence in the record. Petitioner contends the county ignored evidence in the record that (1) Rock Creek and two small tributaries run through the parcel, (2) part of the parcel is habitat for deer, coyote and beaver, and (3) part of the southern half of the parcel is shown on the rural plan's Significant Natural Resources Map as wetland and wildlife habitat. Petitioner argues that this evidence shows that watershed protection and wildlife habitat are suitable forest uses for the property.

Respondents argue that "the question is not whether the property is suitable for watershed protection and wildlife habitat, but rather whether the property is most suitable for agriculture or forest [uses]." Intervenor-Respondent's Brief 12. According to respondents, the county did not ignore watershed and wildlife habitat use, but simply weighed all relevant factors concerning possible uses of the

property, and concluded the best use for the property is agriculture.

Petitioner challenges on evidentiary grounds the following statements in the county's decision addressing factor IV of strategy p(1)A:

"* * * the applicant acknowledges forest uses besides commercial harvesting of timber including watershed protection, fish and wildlife habitat, and recreation. The applicant contends these forest uses are limited by the small size, relative isolation, and private ownership of the parcel." Record 18.

Findings of fact are statements of what the decision maker believes to be true. The above quoted statements are not findings of fact, but rather recitations of evidence and argument submitted by the applicant. See Hill v. Union County Court, 42 Or App 883, 887, 601 P2d 905 (1979); Horacek v. Yamhill County, 17 Or LUBA 82, 85 (1988). Therefore, whether these statements are supported by substantial evidence in the record is of no consequence. Kellogg Lake Friends v. Clackamas County, ___ Or LUBA ___ (LUBA No. 88-061, December 22, 1988), slip op 15-16, aff'd 96 Or App 536 (1989); DLCD v. Columbia County, 16 Or LUBA 467, 471 (1988).

Additionally, petitioner's assertion that the county ignored evidence of the possibility of forest uses other than commercial timber production on the parcel is not well founded. The findings state that "[t]wo small intermittent streams flow generally south across the parcel, joining just

south of the parcel boundary to form Rock Creek." Record 11. The findings also state that "[p]art of the subject property, including a good portion of the southern half, is shown on the Significant Natural Resources map for the Rural/Natural Resources Plan as wetland and wildlife habitat. Record 21. The findings further state that "[b]oth commercial forestry activities and farming not utilizing a structure is [sic] allowed in a wetland and fish and wildlife habitat area." Record 22. The county concludes:

"[a] portion of the property is designated as significant wetland and wildlife habitat. Most development under an EFU designation is no more likely to compromise natural resources than would development under the EFC designation, given that agriculture and forestry are allowed in both districts. * * *" Record 28.

While admittedly the county could have adopted more detailed findings describing the nature of possible watershed protection and wildlife habitat forest uses of the parcel, we find the findings quoted above demonstrate a consideration of factor IV which, together with the county's consideration of the other factors of strategy p(1)A, is sufficient to allow the county to decide whether its EFC or EFU designation is more appropriate for the subject parcel.

E. Conclusion

In sections A through D above, we rejected petitioner's challenges to the adequacy of the county findings addressing factors I through IV of strategy p(1)A. The county also

adopted findings addressing factors V and VI. Record 18-19. Petitioner does not challenge those findings. We, therefore, conclude the county's findings adequately address the factors of strategy p(1)A. Furthermore, we agree with respondents that the county's findings support its conclusion that EFU is the more appropriate designation for the subject parcel.

The first assignment of error is denied.

THIRD ASSIGNMENT OF ERROR

"The county misconstrued the applicable law and made findings not supported by substantial evidence in the entire record by failing to demonstrate a need for a plan change in accordance with LCDC Goal 4 and Policy 16 of the Rural/Natural Resources Plan of Washington County."

Under this assignment of error, petitioner alleges three errors in the county's decision. The first error, that "the evidence in the record does not support the finding that farming is a more productive or appropriate use of the land" (Petition for Review 14), was addressed in our discussion of the first assignment of error, supra. We address the other two errors separately below.

A. Statewide Planning Goal 4 (Forest Lands)

Petitioner contends that Statewide Planning Goal 4 requires the retention of forest lands for forest uses. According to petitioner, "[t]he County did not adequately address the requirements of Goal 4 [to consider] whether or not the forest land inventory in Washington County is being

depleted." Id. We understand petitioner to contend that because the subject parcel is "forest land" under Goal 4, the county violated Goal 4 by applying a nonforest designation to it.

Statewide Planning Goal 4 (Forest Lands) provides in relevant part:

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

"Forest lands are those lands designated as forest lands as of the date of adoption of this goal amendment [February 5, 1990]. * * *

"* * * * *" (Emphasis added.)

Statewide Planning Goal 3 (Agricultural Lands) provides in relevant part:

"To preserve and maintain agricultural lands.

"Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space. * * *

"* * * * *

"Agricultural Land -- in western Oregon is land of predominantly Class I, II, III and IV soils * * * as identified in the Soil Capability Classification System of the United States Soil Conservation Service * * *.

"* * * * *" (Emphasis added.)

The Land Conservation and Development Commission has adopted the following rule interpreting both Goals 3 and 4:

"When [inventoried] lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The [comprehensive] plan need only document the factors that were used to select an agricultural, forest, agricultural/forest or other appropriate designation." OAR 660-05-010(5); 660-06-015(2).

The subject parcel was designated as forest land by the county's acknowledged comprehensive plan prior to the challenged plan amendment on June 6, 1990. Further, as discussed under the first assignment of error, the subject parcel is composed of 95% U.S. SCS Class I, II and III soils. Therefore, the subject parcel satisfies the goals' requirements for both forest land and agricultural land. In these circumstances, under OAR 660-05-010(5) and 660-06-015(2), the county may choose to designate the subject parcel for either agricultural or forest use, or both, without violating either Goal 3 or Goal 4.

This subassignment of error is denied.

B. Rural Plan Policy 16

Rural Plan Policy 16 (Exclusive Forest Lands) states the county's policy is "to conserve forest lands for forest uses." Implementing Strategy (strategy) b(3) of this policy provides:

"Require that conversion of forest lands to other uses be based on consideration of the following:

"* * * *

"3. demonstrated need consistent with LCDC goals
* * *"

The county's findings state Policy 16, strategy b(3) requires merely consideration of need, and address that requirement as follows:

"The appellant questions whether the applicant proved need for the [plan map] change. The Board [of Commissioners] finds that need for the change is not the issue but rather need for the use. Since [Rural Plan] Policy 15 states a need for conservation of agricultural land, sufficient need has been shown. It is also relevant that most development in Washington County is occurring on agricultural land rather than forest land; therefore the county should preserve additional agricultural land where such opportunity exists." Record 41-42.

Rural Plan Policy 15 (Exclusive Farm Land) states the county's policy is "to conserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest management and open space." Additionally, implementing strategies a and b require the county to designate agricultural lands EFU.

Petitioner argues the county misconstrued the applicable law by stating in the above quoted finding that strategy b(3) requires demonstration of a need for farm use, and that Policy 15 establishes that a sufficient need has been demonstrated. According to petitioner, Policy 15 does not establish any need, but rather "is merely a policy which must be weighed against others." Petition for Review 15.

Petitioner further argues that a need for farm use does not support a plan amendment from EFC to EFU, because farming is permitted on EFC land and, therefore, it is not necessary to change the plan map designation from EFC to EFU to increase farm use. See OAR 660-06-025(3)(b).

As was the case with regard to paragraphs I through VI of strategy p(1)A under the first assignment of error, subsection (3) of strategy b ("demonstrated need consistent with LCDC goals") is a factor which simply must be considered by the county in approving the conversion of forest land to nonforest uses, and is not an approval standard for that decision. We agree with the county that where there is a proposed plan map amendment from EFC to EFU, in the absence of concurrent consideration of a specific nonfarm development proposal, the "need" to be demonstrated and considered is a need to designate the subject property for exclusive farm use. In this sense, both Goal 3 and Rural Plan Policy 15 express a "need" to designate agricultural land for exclusive farm use.⁹

We conclude the county's findings demonstrate a correct interpretation and adequate consideration of "demonstrated need consistent with LCDC goals," under strategy b(3).

This subassignment of error is denied.

⁹In addition, the county found there is a greater need to preserve agricultural land for farm use than forest land for forest use because most development in Washington County is occurring on agricultural land, rather than forest land. Record 42. Petitioner does not challenge this finding.

The third assignment of error is denied.

SECOND ASSIGNMENT OF ERROR

"The county misconstrued the applicable law and made findings not supported by substantial evidence in the entire record by not considering all of the uses permitted in the EFU zone, including the most intensive possible conditional uses, as required by Younger [v.] City of Portland, 15 Or LUBA 210 (1986)."

Petitioner argues "in relation to [Rural Plan] Policy 1, Younger v. City of Portland, 15 Or LUBA 210 (1986) requires that impacts of [the most intensive] uses allowed in the new zone be taken into consideration." Petition for Review 11. Petitioner further argues that the Board's holding in Younger was not limited to the requirements of the City of Portland's plan and zoning ordinance standards.

Petitioner contends the county's findings fail to satisfy the Younger requirement. According to petitioner, the county finding that there will be no economic, social, environmental and energy (ESEE) consequences from the approved plan amendment is inadequate because it is based on an analysis of the consequences of the subject parcel being used for farm use. Petitioner argues the county is required to determine the consequences of the most intensive possible conditional uses allowed under the EFU designation, including a golf course. Petitioner argues the county's explanation that it is premature to consider impacts of conditional uses in the EFU district in a plan amendment decision, because such uses will be subject to substantial

scrutiny in future Type III review proceedings, does not satisfy Younger because (1) some conditional uses are inconsistent with the county's justification for the EFC to EFU change; and (2) the plan amendment process is "the only forum in which all the possible uses of the Property can fairly be weighed." Petition for Review 13.

Respondents contend Younger does not require that in all zone change proceedings a local government must adopt findings addressing the impacts of any use, including any conditional use, which may be allowed under the new zone. Respondents argue that in Younger, this Board based its decision specifically on Policy 10.4 of the Portland Comprehensive Plan, a policy requiring a proposed zone change to be compatible with the existing land use pattern and in the public interest, and that the public interest be best served by approving the zone change at the requested location. Younger, 15 Or LUBA at 227. Respondents argue that none of these approval standards appear in Rural Plan Policy 1 or its implementing strategies.

Respondents further argue that the county has adopted standards specifically for approving plan/zone changes from EFC to EFU, and these standards are set out in Rural Plan Policy 1, strategy p(1). According to respondents, the standards of strategy p(1) are fundamentally different from those in the plan policy at issue in Younger. Strategy p(1) bases approval of a change from EFC to EFU on determining

which is the more appropriate designation, considering the characteristics of the subject property, not on an assessment of the impacts of the proposed change. Respondents argue that if the county decides EFU is a more appropriate designation, the state legislature, through ORS 215.213, has determined that certain specific uses may be allowed which could not be allowed in the EFC district.

We agree with respondents that our decision in Younger was based on the language of the specific provisions of the Portland Comprehensive Plan at issue in that case, and does not establish a rule of general applicability to all local government plan/zone change proceedings. The only county comprehensive plan or CDC provision cited by petitioner under this assignment of error is Rural Plan Policy 1 ("The Planning Process"). Policy 1 states it is county policy "to provide the opportunity for a landowner * * * to initiate quasi-judicial amendments to the comprehensive plan," but imposes no approval standards on such plan amendments itself.

However, Policy 1, strategy p(1), quoted supra, does set out specific county requirements for approving a Rural Plan map amendment from EFC to EFU. We agree with respondents that this strategy requires the county to determine whether EFU or EFC is the more appropriate district for the subject parcel, based on consideration of the characteristics of the parcel and surrounding area, not

on a determination of the impacts of the uses potentially allowed under the EFU district. Therefore, our decision in Younger has no relevance to the application of Rural Plan Policy 1 and strategy p(1) in this case.¹⁰

The second assignment of error is denied.

The county's decision is affirmed.

¹⁰In his argument under this assignment of error, petitioner challenges county findings which address the Younger issue and confirm the adequacy of other county findings considering the ESEE consequences of the proposed conversion of forest lands to nonforest uses, as required by Rural Plan Policy 16, strategy b(2). Petitioner does not argue that the county's decision fails to comply with Policy 16, strategy b(2). However, to the extent petitioner's argument could be interpreted to allege that the county should have considered the nonfarm uses potentially allowable under the EFU district in considering the ESEE consequences of the proposed plan amendment under Policy 16, strategy b(2), we note that the county adopted findings explaining that such consideration is premature because nonfarm uses will be subject to substantial scrutiny through the Type III review process, ensuring their compatibility with surrounding land uses. Record 25, 43. Thus, in any case, the county's findings are adequate to demonstrate that it considered the ESEE consequences of the proposed amendment with regard to the nonfarm uses potentially allowable under the EFU district.