

1 Opinion by Gustafson.

2 **NATURE OF THE DECISION**

3 Petitioner appeals the county's approval of a zone
4 change from RR-5 to RR-2.

5 **MOTION TO INTERVENE**

6 Vernon L. Egge, the applicant below, (intervenor) moves
7 to intervene on the side of respondent. There is no
8 objection to the motion, and it is allowed.

9 **FACTS**

10 Intervenor applied for and was granted approval of a
11 zone change from RR-5 (Rural Residential 5-acre minimum) to
12 RR-2 (Rural Residential 2-acre minimum) for his four-acre
13 parcel, on which there is presently one residence. The
14 requested zone change would facilitate the addition of one
15 residence on the parcel. The parcel, along with at least
16 eleven smaller, surrounding parcels, was historically
17 designated for agricultural purposes. Like these other
18 parcels, the subject parcel was previously granted a
19 committed exception to Statewide Planning Goal 3 when it was
20 re-designated and zoned RR-5.

21 Petitioners own a 125-acre parcel adjacent to the
22 subject property, on which they operate a hazelnut orchard.
23 Petitioners' property is designated and zoned agricultural.
24 The portion of petitioners' property immediately adjacent to
25 intervenor's was proposed for inclusion in the area of the
26 Goal 3 exception, but petitioners succeeded in removing

1 their property from the proposed exception area. All
2 parties recognize inherent conflicts between petitioners'
3 resource uses and adjoining residential uses.

4 The county hearings official approved the requested
5 zone change. Petitioners appealed the approval to the
6 county board of commissioners, which declined to hear the
7 appeal. Petitioners appeal the hearings official's
8 decision.

9 **ASSIGNMENTS OF ERROR**

10 Petitioners contend first that the hearings official
11 erroneously interpreted Goal 3, Policy 8 of the county's
12 comprehensive plan. Goal 3 is the county's agricultural
13 goal; Policy 8 requires maximum protection of agricultural
14 activities from conflicting uses. The hearings official
15 determined that Goal 3, Policy 8 had been previously applied
16 when the property was granted a committed exception to Goal
17 3, and was not applicable to the request to rezone the
18 already residentially-zoned property.

19 Petitioners also contend the hearings official's
20 findings are inadequate for failure to address an issue
21 raised below regarding dust from petitioners' farm
22 conflicting with the additional residence facilitated by the
23 zone change. According to petitioners, the conflict from
24 dust precludes compliance both with county Goal 3, Policy 8,
25 and with county Goal 2, Policy 11, which requires the county
26 to evaluate the "effect on resource land" when considering

1 rural residential zone density changes.

2 We find that the hearings official's interpretation of
3 Goal 3, Policy 8 of the county's comprehensive plan is
4 reasonable and correct, and provides no basis for remand of
5 the decision. Accordingly, the hearings official was not
6 required to address dust conflicts in relation to Goal 3,
7 Policy 8. To the extent the issue of dust conflicts applies
8 to the required Goal 2, Policy 11 evaluation of the effect
9 of the zone change on resource land, we find that the
10 findings and conditions of approval, which require a farm
11 management easement, a solid metal fence along adjacent
12 property lines, and significant dwelling setbacks,
13 adequately address the dust conflicts raised by petitioners.

14 Petitioner has not established any basis for remand or
15 reversal of the county's decision. Pursuant to ORS
16 197.835(14), the county's decision is affirmed.