

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. ORS 215.284(1) to (4) distinguish between lands inside the Willamette Valley and lands outside the Willamette Valley, and apply the stability standard inside the Willamette Valley and apply the suitability standard outside the Willamette Valley. However, the fact that ORS 215.213(3) imposes a suitability standard does not provide a basis for importing the Willamette Valley regulatory distinction from ORS 215.284 into ORS 215.213 and it does not provide a basis for concluding that ORS 215.213(3) does not apply to lands in the Willamette Valley. *Landwatch Lane County v. Lane County*, 70 Or LUBA 325 (2014).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. When a petitioner was required to raise local appeal issues below pursuant to *Miles v. City of Florence*, 190 Or App 500, 79 P3d 382 (2003), raising the issue that approval of a nonfarm dwelling would significantly increase the cost of farming practices is not sufficient to raise any issue concerning impacts on the stability of the overall land use pattern, and the petitioner may not raise the stability standard at LUBA. *Zeitoun v. Yamhill County*, 60 Or LUBA 111 (2009).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. The stability standard requires a county to project a full-development, worst-case scenario and determine whether under that scenario the agricultural land use pattern would be destabilized at some point in the future. If the answer is affirmative, the county must either (1) deny the application or (2) identify some reason or mechanism why that scenario is not likely to occur and nonfarm development will not reach levels that destabilize the agricultural land use pattern. *Young v. Crook County*, 56 Or LUBA 704 (2008).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Where a county’s code and comprehensive plan are silent regarding how a one-dwelling-per-160-acres wildlife habitat standard is to be calculated, the county does not err in averaging residential density within the same 2000-acre study area that is used for the stability standard. *Young v. Crook County*, 56 Or LUBA 704 (2008).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Although a local land use regulation may not specifically require the justification of a 2,000-acre study area for purposes of determining whether a proposed nonfarm dwelling will “materially alter the stability of the overall land use pattern of the area,” that regulation implements a statutory requirement, ORS 215.284(2)(d), which has been interpreted to require justification of the scope and contours of any study area used in applying the stability test. To the extent *Epp v. Douglas County*, 46 Or LUBA 480 (2004), concludes otherwise, it is overruled. *Wetherell v. Douglas County*, 51 Or LUBA 699 (2006).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. For purposes of determining whether a proposed nonfarm dwelling will “materially alter the stability of the overall land use pattern of the area,” OAR 660-033-0130(4)(a)(D)(ii) requires identification of the “number, location and type” of existing dwellings in an identified study area. Where a petitioner fails to explain why the county’s alleged errors in identifying existing dwellings on nearby properties as nonfarm dwellings rather than farm dwellings would render its conclusion regarding

the resulting stability of the area inadequate, it fails to provide a basis for reversal or remand of the challenged decision. *Wetherell v. Douglas County*, 51 Or LUBA 699 (2006).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. A 2,000-acre study area that encompasses a diverse range of topography and land uses could take on many different configurations that are equally “representative of the land use pattern surrounding the subject parcel,” for purposes of OAR 660-033-0140(4)(a). *Ploeg v. Tillamook County*, 50 Or LUBA 608 (2005).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Where a county considers whether the stability standard is met based on the number of vacant parcels in the study area that potentially qualify for a nonfarm dwelling under the general unsuitability standard, it is not enough to consider whether such vacant parcels are generally unsuitable as a whole. The county must also consider whether due to poor soils or other circumstances portions of such vacant parcels could qualify the parcels for nonfarm dwellings. *Ploeg v. Tillamook County*, 50 Or LUBA 608 (2005).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. That lot-of-record dwellings are allowed in the EFU zone is an insufficient basis to demonstrate compliance with a code standard requiring that a proposed lot-of-record dwelling will not materially alter the stability of the land use pattern in the area. *Tallman v. Clatsop County*, 47 Or LUBA 240 (2004).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. LUBA will not consider new evidence presented for the first time in an appendix to a petition for review that addresses the stability standard set out at OAR 660-033-0130(4), where the evidence is used to challenge the reasonableness of a county’s evidentiary decision regarding the number of new dwellings that could be established within the study area and the new evidence is based on a methodology that was not presented to the county during the local evidentiary proceedings. *Knoche v. Crook County*, 46 Or LUBA 85 (2003).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. When an acknowledged local ordinance requires a justification of the study area for a stability analysis only when the study area is less than 2000 acres, and the study area used by the local government is over 2000 acres, no justification is required even though OAR 660-033-0130(4) would require such justification absent the acknowledged local ordinance. *Epp v. Douglas County*, 46 Or LUBA 480 (2004).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Findings that do not address arguments made at the local level that the chosen study area is not reflective of the actual land use pattern of the area are not adequate to satisfy the stability standard set out in OAR 660-033-0130(4)(a)(D). *Frazer v. Jackson County*, 45 Or LUBA 263 (2003).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Findings that fail to consider the cumulative impact of existing, proposed and potential future nonfarm dwellings are inadequate to demonstrate that proposed nonfarm dwellings will not materially alter the stability of the land use pattern. *Hanna v. Crook County*, 44 Or LUBA 386 (2003).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Because a study area of 276 acres is clearly insufficient to satisfy the 1,000-to-2,000-acre study area required by OAR 660-033-0130(4)(a)(D), for purposes of the stability standard, LUBA will not address arguments that the study area is sufficient to satisfy the case law on which the rule elaborates. *Ploeg v. Tillamook County*, 43 Or LUBA 4 (2002).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. OAR 660-033-0130(4)(c)(C) requires that a county consider the “cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated” by applying the standards of OAR 660-033-0130(4)(a)(D), in determining whether a proposed nonfarm dwelling would materially alter the stability of the overall land use pattern. That language requires that the county include in its stability analysis potential new nonfarm dwellings on existing lots or parcels. *Elliott v. Jackson County*, 43 Or LUBA 426 (2003).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. OAR 660-033-0130(4)(a)(D) requires that the county’s stability analysis consider the potential for new nonfarm parcels in the area, whether or not the applicant proposes a new nonfarm parcel. OAR 660-033-0130(4)(c)(C) requires compliance with the standards of OAR 660-033-0130(4)(a)(D), and therefore also requires consideration of potential new nonfarm parcels, whether or not a new nonfarm parcel is proposed. *Elliott v. Jackson County*, 43 Or LUBA 426 (2003).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Remand is necessary where the hearings officer cites a nonexistent requirement for “substantial and compelling findings,” and appears to apply that standard in determining that the applicant does not satisfy the stability standard. *Elliott v. Jackson County*, 43 Or LUBA 426 (2003).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. ORS 215.236(4) requires that the applicant for a nonfarm dwelling notify the tax assessor that the parcel is no longer being used as farmland, and appears to presume that nonfarm parcels are not in farm use. Given that statutory presumption, the hearings officer did not err in assuming that a parcel disqualified for farm tax deferral is no longer in farm use, and is not required to assume that farm use will continue on portions of larger nonfarm parcels. *Elliott v. Jackson County*, 43 Or LUBA 426 (2003).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. OAR 660-033-0130(4)(a)(D) requires the county to assume that any property in the study area that can be divided or developed for a nonfarm dwelling will be. *Elliott v. Jackson County*, 43 Or LUBA 426 (2003).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. The stability standard at OAR 660-033-0130(4)(a)(D)(iii) is framed in the disjunctive, and the standard is not met if the cumulative impact of nonfarm dwellings will either (1) make it more difficult for farm use to continue due to diminished opportunities to expand, purchase or lease farmland; or (2) diminish the number of tracts or acreage in farm use in a manner that destabilizes the character of the study area. *Elliott v. Jackson County*, 43 Or LUBA 426 (2003).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. OAR 660-033-0130(4)(a)(D) and (c)(C) require consideration of the cumulative impact of a proposed nonfarm

dwelling on lots or parcels that are “similarly situated.” Because OAR 660-033-0130(4)(a)(D)(ii) expressly requires consideration of whether parcels larger than the minimum parcel size may be divided to allow nonfarm dwellings, the scope of “similarly situated” parcels is not limited to substandard parcels or parcels that are the same size as the subject property. *Elliott v. Jackson County*, 43 Or LUBA 426 (2003).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. The analysis that is required to demonstrate compliance with the ORS 215.284 stability standard is not necessarily required for versions of the stability standard that are unrelated to the siting of nonfarm dwellings in EFU zones. However, approval standards that require an analysis of the impact of the proposed use on surrounding properties must identify those properties. *Oregon Natural Desert Assoc. v. Grant County*, 42 Or LUBA 9 (2002).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Although past denial of nonfarm development in the area is not necessarily an indicator that similar applications will be denied in the future, the county does not err in relying upon recent denials and its understanding of the current law to conclude that potential new nonfarm development is so limited in the area that the cumulative effect of such development will not materially alter the stability of the land use pattern. *Wolverton v. Crook County*, 39 Or LUBA 256 (2000).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. When a local government is required by an administrative rule to adequately describe and identify a study area for determining whether a proposed nonfarm use will materially alter the stability of the existing area, the local government’s findings must justify the study area that is selected. *Dowrie v. Benton County*, 38 Or LUBA 93 (2000).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. A local government cannot reach supportable conclusions as to the stability of the land use pattern required by OAR 660-033-0130(4)(a)(D) unless it adequately defines the study area and determines not only what the land use pattern is, but also whether the proposed use or land division will encourage similar uses or divisions on similarly situated parcels in the area. *Dowrie v. Benton County*, 38 Or LUBA 93 (2000).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. A county’s findings of compliance with the stability standard are inadequate, where the county fails to explain or justify a study area that places the subject property at the margin of the identified study area, and excludes from the study large EFU-zoned parcels adjacent to the subject property. *Friends of Linn County v. Linn County*, 37 Or LUBA 844 (2000).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. A county’s findings under the stability standard are inadequate, where the county fails to identify any uses on most of the EFU-zoned parcels within the study area, but merely assumes that the dominant land use in the area is residential because of the small size of most parcels and the fact that most dwellings in the area predated zoning restrictions. *Friends of Linn County v. Linn County*, 37 Or LUBA 844 (2000).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. A county’s finding that a proposed lot of record dwelling on high-value soils will not materially alter the stability of the overall land use pattern is inadequate, where the county considers only the stability of the *nonfarm* land uses in the area, and fails to consider whether the proposed dwelling will encourage additional nonfarm development in a manner that destabilizes remaining farm uses. *Friends of Linn County v. Linn County*, 37 Or LUBA 844 (2000).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Where a proposed lot of record dwelling will be sited on a parcel surrounded by 34 other small EFU parcels that already contain dwellings, a county could conclude that the proposed dwelling will not materially affect the stability of the land use pattern in the area. *Friends of Linn County v. Linn County*, 37 Or LUBA 297 (1999).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. A challenge to a county’s identification of a study area must demonstrate why the proposed study area does not provide a “clear picture” of the land use pattern in the area, as required by ORS 215.705(2)(a)(C)(iii). *Friends of Linn County v. Linn County*, 37 Or LUBA 297 (1999).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. In selecting a study area to determine whether a proposed dwelling would alter the overall stability of the area, the county’s selection of a study area based on natural and constructed barriers is appropriate, where no party explains why defining the study area based on the selected barriers is inappropriate. *Friends of Linn County v. Linn County*, 37 Or LUBA 280 (1999).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. A county’s findings that a proposed lot-of-record dwelling would “not materially alter the overall stability of the land use pattern in the area” are inadequate, where the findings focus almost exclusively on non-EFU zoned property in the area and do not explain why approving the request would not lead to approval of additional dwellings on remaining farm parcels that are not already developed with dwellings. *Friends of Linn County v. Linn County*, 37 Or LUBA 280 (1999).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. A county code “stability” standard that does not implement the statutory nonfarm use “stability” standard is not subject to case law interpreting the statutory “stability” standard, but such a code “stability” standard necessarily connotes a temporal period and a scope of causative impact for analysis. However, a county’s interpretation of the local “stability” standard as focusing on short-term effects and direct impacts rather than long-term and cumulative impacts is not clearly wrong and therefore must be affirmed by LUBA. *Ray v. Douglas County*, 36 Or LUBA 45 (1999).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. A county’s findings addressing the requirement of ORS 215.705(a)(C)(iii) that a dwelling not “materially alter the stability of the overall land use pattern of the area” must limit the analysis to EFU-zoned lands. Where LUBA cannot determine whether the analysis was so limited, the decision will be remanded. *DLCD v. Umatilla County*, 34 Or LUBA 703 (1998).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Under the stability standard, the county must explain what justifies the scope and contours of a defined study area, and the county’s failure to adopt a reasonably definite study area may so undermine its evaluation of the other elements of the analysis required by *Sweeten v. Clackamas County*, 17 Or LUBA 1234 (1989), as to render its findings on those elements unreviewable. *Wolverton v. Crook County*, 34 Or LUBA 515 (1998).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. In defining an area to study, the local government must explain what justifies the scope and contours of the study area. Bare references to “geographic and traffic patterns” are insufficient to explain the scope and contours of the study area. *DLCD v. Crook County*, 34 Or LUBA 243 (1998).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Characterizing the bulk of the study area solely on the basis of nonspecific information such as farm tax deferrals is insufficient to draw the requisite clear picture of the existing land use pattern. *DLCD v. Crook County*, 34 Or LUBA 243 (1998).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. The stability standard requires a prospective analysis, under which the county must determine not only what the land use pattern is, but also the development trends in the area and whether the proposed use or land division will encourage similar uses or divisions on similarly situated parcels in the area. *DLCD v. Crook County*, 34 Or LUBA 243 (1998).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. The basic purpose of evaluating the land use pattern and the development trends in an area is to determine how stable the current land use pattern is and hence what steps are necessary to protect its stability. *DLCD v. Crook County*, 34 Or LUBA 243 (1998).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. OAR 660-033-0130 and LUBA’s decisions require the local government to determine that the proposed nonfarm dwellings and any chain of conversions that the dwellings will encourage on similarly situated properties susceptible to development shall not materially alter the stability of the current land use pattern. *DLCD v. Crook County*, 34 Or LUBA 243 (1998).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. The stability standard requires a local government to examine the history of nonfarm development in the area and to determine the extent to which that development and the current proposal encourage future nonfarm development. The stability standard is not met if the cumulative effect of historical, current and projected nonfarm development is to materially alter the stability of the land use pattern. *Hearne v. Baker County*, 34 Or LUBA 176 (1998).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. In applying a code approval standard that requires the identification of an area whose stability might be affected by a proposed development, the county’s findings may not rely on inconsistent definitions of the area. *Ray v. Douglas County*, 32 Or LUBA 388 (1997).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Where a conditional use is proposed on EFU land, the compatibility of the proposed use with uses on adjacent properties is necessary to ensuring the stability of existing uses, but it does not alone ensure stability. *Ray v. Douglas County*, 32 Or LUBA 388 (1997).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. A county must consider development trends in determining whether a proposed development will alter the stability of the overall land use pattern in an area. *Ray v. Douglas County*, 32 Or LUBA 388 (1997).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Evidence of a history of similar development approvals or of similarly situated properties where comparable applications would be encouraged by approval of the subject application supports a conclusion that approval of the application could materially alter the stability of existing uses in a selected area. *Ray v. Douglas County*, 32 Or LUBA 388 (1997).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. The county’s findings lack evidentiary support for the conclusion that a proposed dwelling will not materially alter the stability of the surrounding area where there is inadequate evidence regarding the surrounding area, inadequate evidence regarding the uses existing in the area, and no evidence regarding how the proposed dwelling will not alter the stability of those uses in the selected area. *Le Roux v. Malheur County*, 32 Or LUBA 124 (1996).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. The purpose of requiring a clear picture of the existing land use pattern as part of the *Sweeten* analysis is to evaluate what impacts a proposed development will have on the stability of that pattern. Information not pertinent to the evaluation need not be obtained, and whether the picture is sufficiently clear depends on the facts of a particular case. *Lett v. Yamhill County*, 32 Or LUBA 98 (1996).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Information as to the particular farm use on each parcel in the area selected as the first step of the stability analysis is pertinent because it may indicate the amount and nature of farm-related capital investment on that parcel, and that, in turn, may help to determine the degree of commitment to continued farm use, which itself bears on stability. *Lett v. Yamhill County*, 32 Or LUBA 98 (1996).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. “Similarly situated,” as the term is used in OAR 660-33-130(4)(d) means “similarly circumstanced” in susceptibility to development of nonfarm dwellings. While the size of the parcels is one factor to consider in determining which parcels are situated similarly to a particular parcel, it is not the only factor. *Lett v. Yamhill County*, 32 Or LUBA 98 (1996).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. A demonstration that a particular tax lot will be ineligible for a nonfarm dwelling for three years is not substantial evidence which supports a finding that the tax lot has no real potential for a nonfarm dwelling. *Lett v. Yamhill County*, 32 Or LUBA 98 (1996).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Without information concerning the nature and duration of the lease, the use of a particular tax lot as a leased tax-exempt watershed is not substantial evidence which supports a finding that the lot will remain ineligible for a nonfarm dwelling during a term that is reasonable for purposes of a stability analysis. *Lett v. Yamhill County*, 32 Or LUBA 98 (1996).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Findings regarding the stability of the overall land use pattern are inadequate where they do not describe the size of the area encompassing the adjoining parcels, do not examine all of the types of uses in the selected area, do not describe the development pattern and do not conclude that the proposed dwelling will not materially alter the stability of the existing uses. *O'Brien v. Lincoln County*, 31 Or LUBA 262 (1996).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. To establish that a nonfarm dwelling will not materially alter the stability of the land use pattern in the area, the county must (1) select an appropriate area for consideration; (2) examine the types of uses existing in the selected area; and (3) determine that the proposed nonfarm use will not materially alter the stability of the existing uses in the selected area. *Thomas v. Wasco County*, 30 Or LUBA 302 (1996).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Identifying the area to be considered and the overall land use pattern of that area are prerequisites to determining whether a proposed partition satisfies a code requirement that it “not materially alter the stability of the land use pattern of the area.” *McNamara v. Union County*, 28 Or LUBA 396 (1994).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Findings which identify some physical features and characteristics of an area, discuss planned improvements, and identify farm and nonfarm uses in the area do not establish the stability of the existing land use pattern of the area or explain why introducing a 120 lot residential planned unit development into the area will not materially alter that stability, as required by ORS 215.283(3)(c). *DLCD v. Crook County*, 26 Or LUBA 478 (1994).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. The requirement of ORS 215.283(3)(c) that nonfarm dwellings “not materially alter the stability of the overall land use pattern in the area” may be violated by introducing residential development into a rural agricultural area where such residential uses do not already exist and may also be violated where there is existing residential development and introducing more such development makes it more difficult to continue existing agricultural uses. *DLCD v. Crook County*, 26 Or LUBA 478 (1994).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. It is erroneous for a county to determine a farm and forest zoned area has a residential character based on the existence of former homesites in the area. *DLCD v. Lincoln County*, 26 Or LUBA 89 (1993).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Findings explaining how the existing limited rural industrial uses near a proposed aggregate processing facility have not affected the historical stability of an EFU-zoned area, and that the existing and proposed industrial uses may discourage intrusion of rural residential development, are adequate to demonstrate

compliance with an EFU zone “stability” standard. *McKay Creek Valley Assoc. v. Washington County*, 25 Or LUBA 238 (1993).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Where a decision recites facts that might provide a basis for explaining why a proposed nonfarm use will not materially alter the land use pattern of the area, but the findings do not identify the relevant area, examine uses existing in the area, or explain why the proposed use will not materially alter the stability of the land use pattern of the area, the findings are inadequate. *DLCD v. Crook County*, 25 Or LUBA 98 (1993).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. A local government determination that a proposed nonresource dwelling “does not materially alter the stability of the overall land use pattern of the area” is not supported by substantial evidence, where the parties cite no evidence in the record establishing the relevant area, the overall land use pattern of such area or the effect of the proposed dwelling on the stability of such land use pattern. *Todd v. Columbia County*, 24 Or LUBA 289 (1992).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. In applying a local code standard requiring that newly created nonfarm and nonforest parcels not materially alter the stability of the overall land use pattern of the area, a local government must define the relevant area and may not focus exclusively on a single rural residential area near the subject property and ignore the potential impacts on nearby forestlands. *DLCD v. Curry County*, 24 Or LUBA 200 (1992).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. A code standard requiring that a proposed nonfarm/nonforest dwelling in a farm/forest zone not materially alter the stability of the land use pattern of the area, requires findings (1) identifying an area for consideration, (2) identifying the farm and forest practices occurring in the identified area, and (3) explaining how the proposal will affect those practices. *Veach v. Wasco County*, 23 Or LUBA 492 (1992).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Where the record shows that a proposed church will not require urban services and will be located within a designated rural service center, adjacent to existing commercial and public uses, and is otherwise surrounded by large parcels in commercial farm use, a determination that the proposed church will not materially alter the stability of the land use pattern in the area is supported by substantial evidence *Simmons v. Marion County*, 22 Or LUBA 759 (1992).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. A finding that a proposed nonfarm partition would establish a precedent and encourage additional requests for nonfarm partitions of the subject property and an adjoining similarly situated property is sufficient to support a determination that a proposed nonfarm partition will materially alter the stability of the overall land use pattern of the area. *Jonas v. Clackamas County*, 22 Or LUBA 525 (1992).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. Under a code standard requiring that a proposed nonfarm dwelling will “not materially alter the stability of the overall land use pattern in the area,” local government findings which indicate the decision maker (1)

excluded from the considered area those parcels zoned for rural residential use, (2) analyzed the types of uses occurring on the land in the area considered, and (3) concluded those uses were “generally” agricultural, are adequate to establish the overall land use pattern of the area. *Fiegi v. Clackamas County*, 22 Or LUBA 182 (1991).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. In order to deny a proposed nonfarm dwelling based on its precedential effect, a county must either determine there is a “history of progressive partitioning and homesite development in the area” or there are “other similarly situated properties in the area for which similar nonfarm dwelling applications would be encouraged.” *Fiegi v. Clackamas County*, 22 Or LUBA 182 (1991).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. A code standard requiring that a nonfarm dwelling “not materially alter the stability of the overall land use pattern in the area” does not require a determination that proposed nonfarm dwelling would change the balance between resource and nonresource uses in the area considered. *Fiegi v. Clackamas County*, 22 Or LUBA 182 (1991).

3.3.6 EFU Statute/Ordinances – Nonfarm Uses – Stability Standard. To determine whether a nonfarm dwelling will materially alter the stability of the overall land use pattern of the area, it is necessary for a county to (1) select an area for consideration, (2) examine the types of uses existing in the selected area, and (3) determine the proposed nonfarm dwelling will not materially alter the stability of the existing uses in the selected area. *Stefan v. Yamhill County*, 18 Or LUBA 820 (1990).