

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. A post-acknowledgment plan amendment creating a new plan designation that excludes properties with productivity above roughly 80 cubic acre feet per year from eligibility for the new plan designation does not comply with the Goal 4 requirement to protect lands that are suitable for commercial forest uses because properties with productivity between 40 and 80 cubic acre feet per year are suitable for commercial forest uses unless additional factors make the soil unsuitable for commercial forest uses. *DLCD v. Douglas County*, 80 Or LUBA 98 (2019).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. A PAPA that creates a new plan designation and zone and makes a parcel eligible for the new zone if it is at least 20 acres in size and if 60 percent of it is eligible for the new plan designation does not comply with the Goal 4 requirement to protect forest lands, even where the PAPA excludes lands that are suitable for commercial forest uses from eligibility for the new plan designation, where it does not also exclude nearby or adjacent lands which are necessary to permit forest operations or practices. *DLCD v. Douglas County*, 80 Or LUBA 98 (2019).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. While the mere presence of trees on property is not itself sufficient to establish that the property constitutes “other forested lands that maintain soil, air, water and fish and wildlife resources” under Goal 4, a county errs by concluding that property does not so qualify merely because it is not “predominately forested.” In addition, a county errs by (1) concluding that property need not remain in forest zoning in order to protect wetlands merely because the applicant is “committed to development of the property without any disturbance to wetlands,” without clarifying how the decision will ensure that result, and (2) failing to respond to testimony by neighbors that they have observed wildlife in the area and testimony by ODFW staff that they would expect such wildlife to exist. *Cattoche v. Lane County*, 79 Or LUBA 466 (2019).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. That a county’s comprehensive plan was acknowledged in the 1990s to comply with Goal 4 does not shield the county from the obligation, at ORS 197.646(1) and (3), to apply subsequently adopted amendments to Goal 4 or the Goal 4 rule until the county incorporates those amendments into its comprehensive plan. Because the Goal 4 rule was amended in 2008 and 2011 to provide a prioritized list of data sources a county must consider when determining whether land is forest land subject to Goal 4, the county cannot simply apply its acknowledged comprehensive plan standards for identifying forest land, but must also apply the amended Goal 4 rule, until the county incorporates those rule amendments into its comprehensive plan. *Rogue Advocates v. Josephine County*, 66 Or LUBA 45 (2012).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Because OAR 660-006-0010 provides a set of prioritized, mandatory sources of data and a prescribed alternative method that must be used to determine whether land is forest land subject to Goal 4, the applicability of OAR 660-006-0010 cannot be avoided by concluding, based on different data or different methodology, that land is not forest land subject to Goal 4. *Rogue Advocates v. Josephine County*, 66 Or LUBA 45 (2012).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Despite some equivocal statements in a soil scientist’s report regarding whether soil represents a variant of an existing soil type or a new unknown soil type, the county’s conclusion that the soil represents a variant is supported by substantial evidence, where the only evidence on this point is the soil scientist’s, and it is reasonably clear that he ultimately concluded that the soil is a variant. *Rogue Advocates v. Josephine County*, 66 Or LUBA 45 (2012).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Where property includes a soil type that produces no wood fiber and another soil type that will produce some wood fiber, in determining whether the property qualifies as forest land because it is suitable for commercial forest uses, a local government does not err by considering that the property has both soil types. OAR 660-006-0010 is silent about how a local government must go about deciding whether a property with soils of differing productivity qualifies as suitable for commercial forest uses, and a local government does not err by considering the average productivity of those soils. *Anderson v. Coos County*, 62 Or LUBA 38 (2010).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Because OAR 660-006-0010 and 660-006-0005(2) require that local governments collect information about the cf/ac/year wood fiber productivity of land, it is appropriate to infer that the Land Conservation and Development Commission intended that that information actually be used in determining whether land qualifies as land that is suitable for commercial forest use. But it is not appropriate to infer that those rules require that only the required information may be considered in deciding whether land is suitable for commercial forest uses. *Anderson v. Coos County*, 62 Or LUBA 38 (2010).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Where LUBA determines that land with wood fiber productivity of 40 cf/ac/yr to 80 cf/ac/yr is “unlikely to be unsuitable for commercial forest use unless there are additional factors that render those moderately productive soils unsuitable for commercial forest use,” a county may not fail to appeal LUBA’s decision and in its decision following LUBA’s remand of the county’s first decision reverse the suitability presumption for land with that level of wood fiber productivity and place the burden of proof on opponents of the applicant seeking a second county decision that the land is not suitable for commercial forest uses. *Anderson v. Coos County*, 62 Or LUBA 38 (2010).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. A forestry consultant’s conclusion that land is not forest land subject to Goal 4 is not supported by the record, where it is based on an erroneous assumption that the county’s comprehensive plan provides a productivity threshold of 80 cubic feet per acre of per year for lands suitable for commercial forestry. *Wetherell v. Douglas County*, 62 Or LUBA 80 (2010).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Where evidence in the record indicates that the subject property has the potential to produce between 47 and 76 cubic feet per acre per year in wood fiber, the property has moderately productive soils that preclude a finding that the property is not suitable for commercial forestry, unless the county identifies additional factors other than soils that render the property unsuitable for commercial forest use. *Wetherell v. Douglas County*, 62 Or LUBA 80 (2010).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. The cf/ac/yr of wood fiber data that must be considered in inventorying lands that are suitable for commercial forest use under OAR 660-006-0010 and 660-006-0005(2) are not the only data that may be considered, but they must be considered. *Just v. Linn County*, 60 Or LUBA 74 (2009).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Where a county considers a variety of evidence in concluding that a tract is not suitable for commercial forest use but does not consider the cf/ac/yr of wood fiber data that must be considered in inventorying lands that are suitable for commercial forest use under OAR 660-006-0010 and 660-006-0005(2), remand is required. *Just v. Linn County*, 60 Or LUBA 74 (2009).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. LUBA’s decisions suggest that lands with wood fiber productivity of less than 20 cf/ac/yr may be unsuitable for commercial forest use unless there are compensating factors that make it suitable, whereas rural land with a wood fiber productivity of over 80 cf/ac/yr is almost certainly suitable for commercial forest use even if there are limiting factors. Land in the middle range is unlikely to be unsuitable for commercial forest use unless there are additional factors that render those moderately suitable soils unsuitable for commercial forest use. *Just v. Linn County*, 60 Or LUBA 74 (2009).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Whether land qualifies as suitable for commercial forest use need not be based solely on the data described in OAR 660-006-0010 and 660-006-0005(2), and can be based in part on other relevant factors. *Just v. Linn County*, 60 Or LUBA 74 (2009).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. The possibility that certain potential uses might cause some conflicts with existing farm and forest practices does not demonstrate that land is necessary for continued farm and forest operations. The fact that existing farm or forest operators propose conditions of approval for the subject property suggests that the property is not necessary to continue those farm or forest operations. *Walker v. Josephine County*, 60 Or LUBA 186 (2009).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. When a local code provision provides that property must be managed for wildlife or fisheries habitat to qualify as “other forested lands,” and property is not managed for wildlife or fisheries under the county’s management operations, property is not “other forested lands” for purposes of Goal 4 definition of forest lands. *Walker v. Josephine County*, 60 Or LUBA 186 (2009).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. In amending its inventory of Goal 4 forest lands, a county must consider the wood fiber productivity of the property in cubic feet/acre/year. That cubic feet/acre/year data must be from one of the sources authorized by OAR 660-006-0005(2). If that data is not available or is shown to be inaccurate, equivalent data may be used, as authorized by the rule and approved by the Oregon Department of Forestry. *Anderson v. Coos County*, 60 Or LUBA 247 (2009).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. If the cubic feet/acre/year wood fiber production analysis required by OAR 660-006-0010 and 660-006-0005(2) is not

conclusive in establishing whether the property qualifies as forest lands, a county may then consider other factors, provided those other factors are “not accurately reflected in or accounted for in the data described by OAR 660-006-0010 and 660-006-0005(2).” *Anderson v. Coos County*, 60 Or LUBA 247 (2009).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. A post-acknowledgement plan amendment that adopts a policy for protecting forest land that defines forest lands to exclude certain lands that fall within the statewide planning goal definition of “forest lands” must be remanded. *Johnson v. Jefferson County*, 56 Or LUBA 25 (2008).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. An objective measurement of productive capacity is required in determining whether land is “forest land” under the Goal 4 definition, either based on published data for particular soils or on an empirical evaluation if published data is not available or not indicative of the property’s actual capacity or potential for producing timber. A purely qualitative evaluation is not sufficient. *Wetherell v. Douglas County*, 54 Or LUBA 678 (2007).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. A county’s conclusion that the property is not suitable for commercial forest uses is supported by substantial evidence where the property owner prepared a study of the forestland productivity of the subject property, which was reviewed by a forester from the Department of Forestry (DOF), that indicated that the property is capable of producing only 1.8 cubic feet per acre per year of wood fiber, and the record includes letters from the DOF stating that any attempts to produce commercial stands on the property would be futile. *Hecker v. Lane County*, 52 Or LUBA 91 (2006).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. An applicant seeking to redesignate property as nonresource by demonstrating that the property is not forest land under the Statewide Planning Goal 4 (Forest Lands) definition of “forest lands” need not rely exclusively on the Natural Resources Conservation Service productivity ratings, and may attempt to contradict those figures with empirical studies of the actual productivity of the soils on the subject property. *Hecker v. Lane County*, 52 Or LUBA 91 (2006).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Expert testimony is not required in order to satisfy the requirement that a demonstration of forest productivity of a property be shown by empirical evidence; a study, prepared by an applicant seeking to redesignate the subject property as nonresource, which is subsequently reviewed by a Department of Forestry forester, is evidence upon which a reasonable person would rely. *Hecker v. Lane County*, 52 Or LUBA 91 (2006).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Where an empirical study conducted according to any applicable Oregon Department of Forestry standards determines that National Resource Conservation Service (NRCS) timber productivity ratings for particular soils do not accurately reflect the actual productivity of soils on the subject parcel, the local government may choose to rely on that study rather than on the NRCS ratings in determining whether the parcel is suitable for commercial forest uses under Goal 4. *Just v. Linn County*, 52 Or LUBA 145 (2006).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. That National Resource Conservation Service timber productivity ratings for certain soils lists typical characteristics and limitations of such soils, such as southern exposure and rock outcrops, does not mean that a particular parcel may not exhibit more severe limitations than reflected in those ratings. *Just v. Linn County*, 52 Or LUBA 145 (2006).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. That an Oregon Department of Forestry (ODF) publication requires a “higher intensity soil survey” by a “soil scientist” where there are no trees available for site index calculations does not mean that such a survey is necessary to determine whether property without trees is suitable for commercial forest species under Goal 4, where the survey requirement appears to apply to circumstances in which there is doubt regarding the accuracy of the National Resource and Conservation Service (NRCS) soil maps. The survey requirement has no bearing where it is not disputed that the NRCS soil maps are accurate. *Just v. Linn County*, 52 Or LUBA 145 (2006).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. A study that evaluates the actual timber productivity of the property, using methods that generate quantitative site index and cubic feet per acre per year data is sufficient to determine whether the property is “suitable for commercial forestry,” notwithstanding the absence of published NRCS data for the soils on the property. *Just v. Linn County*, 52 Or LUBA 145 (2006).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Absent countervailing evidence, expert testimony expressing doubt that Ponderosa pine can be established on a parcel even under intensive management techniques is substantial evidence supporting the local government’s conclusion that the property cannot produce Ponderosa pine. *Just v. Linn County*, 52 Or LUBA 145 (2006).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. A parcel consisting almost entirely of scattered trees interspersed with brush and open areas is not “other forested land” within the meaning of the Goal 4 definition of “forest lands.” *Just v. Linn County*, 52 Or LUBA 145 (2006).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. A county errs in construing a comprehensive plan finding that “lands producing less than eighty cubic feet per acre [cf/ac/yr] per year are generally not used for commercial uses” to define a threshold of 80 cf/ac/yr for “forest lands” protected by Goal 4, where the text and context indicate that the finding is a statement of historical fact not a minimum threshold, and the county’s interpretation is undercut by the fact that the county’s Goal 4 plan designations include lands capable of producing 85 cf/ac/yr as prime timberlands, and lands capable of producing considerably less than 80 cf/ac/yr as nonprime timberlands. *Wetherell v. Douglas County*, 50 Or LUBA 167 (2005).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Goal 4 does not permit local governments to determine whether land is “forest land” subject to the goal based on the absence of timber productivity ratings for soils or the assumption that unrated soils cannot produce timber. *Wetherell v. Douglas County*, 50 Or LUBA 167 (2005).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Some measurement of timber productivity is essential to any determination as to whether land is suitable for commercial forest uses under Goal 4, although such measurements need not be expressed in cubic feet per acre per year. *Oregon Shores Cons. Coalition v. Coos County*, 50 Or LUBA 444 (2005).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. A landowner’s representation to Curry County that land is “forest land” under Goal 4, in order to obtain a large tract forest dwelling under ORS 215.740, while representing to Coos County that the same land is not “forest land,” may be less than forthright, but it does not provide a basis for reversal or remand of a Coos County decision declaring that the land is not forest land. *Oregon Shores Cons. Coalition v. Coos County*, 50 Or LUBA 444 (2005).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Economic analyses that rely on speculative assumptions regarding economic conditions, prices and costs 60 years in the future are inherently unreliable, and an impermissible means of determining whether land is forest land subject to Goal 4. *Oregon Shores Cons. Coalition v. Coos County*, 50 Or LUBA 444 (2005).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. The fact that two kinds of commercial tree species on a parcel are infected with incurable diseases is not a basis to conclude that the parcel is not “forest land” under the Goal 4 definition, absent a showing that the property cannot be restocked with non-susceptible commercial tree species or with disease-resistant seedlings. *Oregon Shores Cons. Coalition v. Coos County*, 50 Or LUBA 444 (2005).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. A local government’s finding that land is not “other forested lands that maintain soil, air, water and fish and wildlife resources” under the Goal 4 definition is inadequate, where the finding does not address ODFW testimony that the land must remain protected under Goal 4 to protect an adjacent estuary. *Oregon Shores Cons. Coalition v. Coos County*, 50 Or LUBA 444 (2005).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Where a county has developed a rate of return methodology for distinguishing between forest lands and nonresource lands, but it did not rate some soils that the Natural Resource Conservation Service noted were not suitable for commercial tree production, it may not assume the unrated soils are nonresource lands that fall outside the broad Goal 4 definition of forest land. *Sommer v. Josephine County*, 49 Or LUBA 134 (2005).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Lands that are planned and zoned for resource use under Goals 3 and 4 may be redesignated for nonresource use by applying an acknowledged comprehensive plan policy that establishes standards for such redesignations. Where such a specific policy and local standards have been acknowledged, they apply in place of more general statewide planning goals standards that would otherwise apply to such a redesignation. *Sommer v. Josephine County*, 49 Or LUBA 134 (2005).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. That some trees are present on a parcel and that those trees presumably play some role in slowing erosion and supporting air and water quality is not a sufficient basis to conclude that the parcel is “other forested lands that

maintain soil, air, water and fish and wildlife resources,” under the Goal 4 definition of forest lands. *Doob v. Josephine County*, 48 Or LUBA 227 (2004).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Where the question of whether a property qualifies as forest land so that it may not be considered for a comprehensive plan Rural Use map designation is not governed by the same legal standard that governed the county’s finding in a prior decision on the same application that the subject property does not qualify as forest land subject to Goal 4, the same issue is not presented. Therefore, even if the Goal 4 issue was conclusively resolved in the earlier decision, a different decision concerning whether the property qualifies as forest land in the second decision is not barred by the *Beck v. City of Tillamook* waiver principle. *Rutigliano v. Jackson County*, 47 Or LUBA 470 (2004).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. An ambiguous county code provision that allows lands that were incorrectly identified as agricultural or forest land under Goals 3 and 4 to be rezoned for rural residential use is correctly interpreted to require that an applicant show that a particular property is neither agricultural land nor forest land because land will frequently qualify as both agricultural and forest land and the Land Conservation and Development Commission’s rules allow such lands to be zoned for either for exclusive farm use or for forest use. *Rutigliano v. Jackson County*, 47 Or LUBA 470 (2004).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. A county does not err in interpreting its code provision to require that it compute the average cubic foot per year production capability based on the percentage of different soil types on the property. *Rutigliano v. Jackson County*, 47 Or LUBA 470 (2004).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. The presence of some trees on property does not necessarily establish that the subject property is “suitable for commercial forest uses,” within the meaning of Goal 4. *Palmer v. Lane County*, 44 Or LUBA 334 (2003).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. An argument by petitioner that a property’s soils are sufficient to produce 20 cu/ft/ac/yr of wood fiber and a finding by a county that a property’s soils produce less than 50 cu/ft/ac/yr of wood fiber are not sufficient to establish as a matter of law that the property is or is not forest land, where neither the petitioner nor the county establish that the threshold they rely on is an adopted or acknowledged threshold for determining whether property is forest land subject to Goal 4. *Palmer v. Lane County*, 44 Or LUBA 334 (2003).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. LUBA will sustain a county finding that property should not be viewed as “other forested lands that maintain soil, air, water and fish and wildlife resources,” within the meaning of Goal 4, where (1) the county finds that placing property in a forest zone and allowing forest operations on the property would have more negative impacts on a property’s wetlands and fish and wildlife habitat than placing the property in a low density residential zone with a beaches and dunes protective overlay, and (2) petitioner offers no challenge to that reasoning. *Palmer v. Lane County*, 44 Or LUBA 334 (2003).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Whether property is “suitable for commercial forest uses” under the Goal 4 definition of forest land depends on the property’s capability for production of commercial tree species, not necessarily the past or current level of production, or whether the property is or could be part of a commercial-scale timber business. *Potts v. Clackamas County*, 42 Or LUBA 1 (2002).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Petitioner fails to overcome the county’s determination that property is forest land under Goal 4, and fails to demonstrate as a matter of law that land is not “suitable for commercial forest uses,” where petitioner’s own expert testifies that notwithstanding limitations on productivity the subject property is in a “medium productivity range” and would yield \$81,300 worth of commercial timber at 50 years, after an investment of \$7,450. *Potts v. Clackamas County*, 42 Or LUBA 1 (2002).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. A comprehensive plan policy that allegedly was adopted to clarify that certain county soils that had never been rated for forest productivity were assumed to be non-forest soils was ineffective to accomplish that purpose, where the plan policy also provided an alternative procedure for determining the suitability of soils for forest use to be applied where “a determination cannot be made” using the county’s soil rating system. *Doob v. Josephine County*, 41 Or LUBA 303 (2002).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Where the applicant presents argument and evidence that property designated and zoned for forest use is not in fact forest land protected by Goal 4, making an exception to that goal unnecessary to rezone the property for residential use, the county errs in denying the rezoning application without addressing the issue or explaining why it believes the subject property is protected by Goal 4. *Potts v. Clackamas County*, 40 Or LUBA 371 (2001).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. The restrictive definition of cubic feet per acre per year located in OAR 660-006-0005(2) does not operate as an approval criterion for determining whether land is forest land under Goal 4, because that definition is only used in OAR chapter 660 division 6 to govern approval of dwellings in forest zones. *Dept. of Transportation v. Coos County*, 35 Or LUBA 285 (1998).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. 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).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. A finding that the subject property contains no identified Goal 5 resources is not adequate to address the Goal 4 requirement that “other forested lands” be designated as forest lands if such lands are needed to maintain soil, water, air, fish and wildlife resources. *DLCD v. Curry County*, 33 Or LUBA 728 (1997).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Where the county concludes that the subject property is not forestland as defined by Goal 4 by defining “commercial forest

use” to mean “profitable forest use,” that conclusion is unacceptably vague and not in accord with the Goal 4 definition of “commercial forest land.” *DLCD v. Coos County*, 32 Or LUBA 430 (1997).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Where the county chooses to define “nearby forest lands” for purposes of Goal 4 to only include forestlands that are actually contiguous to the subject property, the county has effectively eliminated the goal requirement that it consider not only adjacent parcels, but also nearby parcels. *DLCD v. Coos County*, 32 Or LUBA 430 (1997).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. A county’s “clarifying policy,” which substantively changes the requirements for compliance with the county’s policy implementing Goal 4, amounts to an improper amendment of the county’s comprehensive plan. *Doob v. Josephine County*, 31 Or LUBA 275 (1996).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Where the findings indicate that there are soil, air, water, and fish and wildlife resources on the subject property, a county cannot rely solely on a finding that less than a majority of the site is forested to reach a conclusion that the site is not “other forested lands” within the meaning of Goal 4. *Brown v. Coos County*, 31 Or LUBA 142 (1996).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. In determining whether “other forested lands” exist on a parcel for purposes of Goal 4 analysis, while the amount of actual forested area on the parcel is relevant, it is only part of the equation. *Brown v. Coos County*, 31 Or LUBA 142 (1996).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Where a local government properly determines certain land is not farm or forestland subject to Statewide Planning Goals 3 and 4, an exception to Goals 3 and 4 is *not* required to support comprehensive plan and zone map amendments designating such property for residential use. *Bates v. Josephine County*, 28 Or LUBA 21 (1994).

8.2 Goal 4 – Forest Lands/ Goal 4 Rule – Forest Land Definition. Where the acknowledged county comprehensive plan includes a methodology for rating forest soil types, a decision identifying and applying a soil type not included in the acknowledged plan provisions, to support a plan map amendment and zone change to nonresource designations, has the effect of improperly amending the acknowledged plan without following post-acknowledgment amendment procedures. *Doob v. Josephine County*, 27 Or LUBA 293 (1994).