1	BEFORE THE LAND USE BOARD OF APPEALS	
2	OF THE STATE OF OREGON	
3		
4	DEPARTMENT OF LAND CONSERVATION)	
5	AND DEVELOPMENT,) LUBA No. 96-179	
6)	
7	Petitioner,) FINAL OPINION	
8) AND ORDER	
9	vs.	
10)	
11	CURRY COUNTY,) (MEMORANDUM OPINION)	
12	ORS 197.835(16)	
13	Respondent.)	
14		
15	Acceptable Commence Commence	
16 17	Appeal from Curry County.	
18	Celeste J. Doyle, Assistant Attorney General, Salem	
19	filed the petition for review on behalf of petitioner. Wit	
20	her on the brief was Theodore R. Kulongoski, Attorne	
21	General, Thomas A. Balmer, Deputy Attorney General, an	-
22	Virginia L. Linder, Solicitor General.	-
23	, L	
24	No appearance by respondent.	
25		
26	HANNA, Chief Referee; GUSTAFSON, Referee, participate	d
27	in the decision.	
28		
29	REVERSED 03/06/97	
30		
31	You are entitled to judicial review of this Order	
32	Judicial review is governed by the provisions of OR	S
33	197.850.	

1 Opinion by Hanna.

NATURE OF THE DECISION

Petitioner appeals the county's amendment of its comprehensive plan changing the designation of 233 acres of a 272-acre parcel from Forest Grazing to Rural Residential

6 and changing the zone of the same property from Forest-

7 Grazing to Rural Residential Ten (RR-10).1

8 **DISCUSSION**

2

9 In its first assignment of error, petitioner argues 10 that the challenged decision should be reversed because the 11 subject property is agricultural land under Goal 3, and the 12 county did not take an exception as required by Goal 2 when 13 approved the plan amendment and zone 14 Petitioner's first assignment of error alleges reversible error on three separate bases. The first basis for reversal 15 16 in the Petition for Review is that the county did not properly consider the subject property as part of a farm 17 unit. For the reasons set forth in the first basis for 18 19 in the Petition for Review, we reversal agree with 20 petitioner and sustain this assignment of error.

In its second assignment of error, petitioner argues that the challenged decision should be remanded because the county failed to properly evaluate the subject property as

 $^{^{1}\}mathrm{Neither}$ the county nor the applicant submitted a brief, and no oral argument was held on this appeal.

- 1 required under Goal 4. Because we reverse the challenged
- 2 decision on the first assignment of error, no point would
- 3 be served by addressing petitioner's second assignment of
- 4 error.
- 5 The county's decision is reversed.