BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

LANDWATCH LANE COUNTY,
Petitioner,

vs.

LANE COUNTY,
Respondent,

and

BLUE MOUNTAIN SCHOOL,
WADE SKINNER and BETTY SKINNER,
Intervenor-Respondents.

LUBA No. 2006-235

FINAL OPINION
AND ORDER

Appeal from Lane County.

Jannett Wilson, Eugene, filed the petition for review and argued on behalf of petitioner. With her on the brief was Goal One Coalition.

Stephen L. Vorhes, Assistant County Counsel, Eugene, filed the response brief and argued on behalf of respondent.

Michael E. Farthing, Eugene, represented intervenor-respondent Blue Mountain School.

Wade Skinner and Betty Skinner, Junction City, represented themselves.

BASSHAM, Board Member; HOLSTUN, Board Chair; RYAN, Board Member, participated in the decision.

AFFIRMED 04/01/2008

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

Opinion by Bassham.

NATURE OF THE DECISION

Petitioner appeals a county ordinance amending its rural comprehensive plan and approving zone changes to nineteen properties, and adopting exceptions to Statewide Planning Goals 3 and 4 for two of the properties.

MOTION TO INTERVENE

Blue Mountain School, Wade Skinner, and Betty Skinner (intervenors) move to intervene on the side of respondent in the appeal. There is no opposition to the motions and they are granted.

FACTS

In 2002, as part of its Rural Comprehensive Plan (RCP) Periodic Review Program, Lane County consolidated the various zones that it applies to non-resource lands for which developed and committed statewide planning goal exceptions have been approved. Under the amended comprehensive plan, the county has only four rural zoning districts for exception lands: Rural Residential (RR), Rural Commercial (RC), Rural Industrial (RI), and Rural Public Facilities (RPF). Following acknowledgment of the amended comprehensive plan, the county rezoned all exception lands in the county to one of the four zones.

In 2004, a number of property owners in the Coast Fork Willamette watershed requested zoning review, generally on the basis that the existing use of the property was inconsistent with the new zoning designation applied in 2002. Planning staff analyzed 21 applications, covering 36 parcels. Each application and report was assigned a "control number" 1 through 21, and was generally referred to as C-1, C-2, etc. Two of the applications (C-11 and C-13) proposed rezoning resource land to non-resource designations, with associated physically developed and/or committed exceptions to Goals 3 and 4.

The county planning commission reviewed the applications and reports together, under a single process, and recommended that four of the applications be denied, and the

remainder be approved. Two of the applications recommended for denial (C-1 and C-19) were subsequently withdrawn.

The board of county commissioners (BCC) held a hearing to review the planning commission recommendations. The BCC voted to approve 19 of the applications (C-2 through C-18, C-20 and C-21), and, on November 29, 2006, adopted the challenged ordinance. This appeal followed.

FIRST ASSIGNMENT OF ERROR

The first assignment of error challenges the "physically developed" and "irrevocably committed" exceptions to Goals 3 and 4 for properties C-11 and C-13.

ORS 197.732(1)(a) and OAR 660-004-0025 allow local governments to adopt an exception to a statewide planning goal if the land subject to the exception is "physically developed to the extent that it is no longer available for uses allowed by the applicable goal."[1] ORS 197.732(1)(b) and OAR 660-004-0028 allow a local government to adopt an

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[1] ORS 197.732(2) provides, in relevant part:

> "A local government may adopt an exception to a goal if:
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> "(a) The land subject to the exception is physically developed to the extent that it is no longer available for *uses allowed by the applicable goal*;
>
> "(b) The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make *uses allowed by the applicable goal* impracticable[.]"

OAR 660-004-0025 provides:

> "(1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal.
>
> "(2) Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and

exception if the land is "irrevocably committed" "to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable."[2] Petitioners contend that the county erred in adopting developed and committed exceptions for sites C-11 and C-13, because the existing uses on those sites are already allowed within the applicable resource zone.

Property C-11 is a 7.13-acre portion of a larger parcel zoned Impacted Forest (F-2), and is developed with a manufactured dwelling, a storage barn, and a five-acre gravel storage and sales yard for logging, quarry and farm equipment. The proposed exception area includes only the developed area; the remainder of the 28-acre parcel would remain zoned F-2. Petitioner argues that the existing uses on site C-11 are all uses allowed by Goals 3 and 4, as implemented in the county's F-2 zoning provisions. Because the existing uses are allowed by the applicable goals, petitioner argues, neither a developed nor irrevocably committed exception is permitted.

Site C-13 is a 1.98-acre parcel zoned for exclusive farm use (EFU), developed with a public water treatment plant. Site C-13 is located adjacent to the City of Creswell urban growth boundary and is separated from other lands zoned EFU except for a small strip of land owned by the city. While conceding that site C-13 presents a more compelling case for an irrevocably committed exception than site C-11, petitioner argues nonetheless that because a public water treatment facility is a permitted use in the EFU zone, neither a developed nor irrevocably committed exception is permitted for site C-13.

> utility facilities. *Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception*." (Emphasis added).

[2] OAR 660-004-0028(1) provides:

> "A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable."

A. Irrevocably Committed

The county responds, initially, that petitioner waived any challenge to the irrevocably committed exceptions for sites C-11 and C-13, by failing to raise any issues below regarding the proposed irrevocably committed exceptions. According to the county, the only issues raised below with respect to sites C-11 and C-13 concerned whether the two sites qualified for "physically developed" exceptions under ORS 197.732(2)(a) and OAR 660-004-0025(1). The county argues that no party raised any issue below regarding irrevocably committed exceptions under ORS 197.732(1)(b) and OAR 660-004-0028.

Petitioner does not respond to the county's waiver challenge or cite to any place in the record where the issues raised under this assignment of error regarding the county's irrevocably committed exceptions were raised below.[3] The county appears to be correct that the challenges raised below to sites C-11 and C-13 focused exclusively on the physically developed exceptions. *See, e.g.*, Record 415-16, 418 (arguing that sites C-11 and C-13 do not qualify for a physically developed exception under OAR 660-004-0025(1)). Absent some response from petitioner, we agree with the county that the issue of whether existing uses on sites C-11 and C-13 preclude the county from finding that those sites are irrevocably committed under OAR 660-004-0028 was waived.[4]

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[3] Petitioner also does not question the county's presumption that the challenged ordinance is a quasi-judicial decision subject to the raise it or waive it rule of ORS 197.763(1), rather than a legislative decision to which ORS 197.763(1) does not apply. We therefore do not consider that issue.

[4] Although we need not address the merits or the county's arguments on the merits, we tend to agree with the county that petitioner misreads OAR 660-004-0028 to preclude a local government from taking an irrevocably committed exception, when the property is currently developed with a use that is allowed by the applicable resource goal. The question under OAR 660-004-0028 is whether existing adjacent uses and other relevant factors make "uses allowed by the applicable goal impracticable." As the county points out, OAR 660-004-0028(3) provides that for exceptions to Goals 3 or 4, local governments are required to demonstrate that only three uses allowed by the resource goals are "impracticable": (1) farm use, (2) propagation or harvesting of a forest product, and (3) forest operations or forest practices as specified in OAR 660-006-0025(2)(a). The county is not required to demonstrate that the subject property cannot be used for all other uses allowed under Goals 3 or 4. Unlike for physically developed exceptions under OAR 660-004-0025(2), there is no language in OAR 660-004-0028 providing that existing uses of the property that are allowed in agricultural or forest zones "shall not be used to justify" an irrevocably committed exception. Indeed, the county must consider under

The petition for review devotes relatively little effort to challenging the adequacy or sufficiency of the county's findings that sites C-11 and C-13 are irrevocably committed under the various OAR 660-004-0028 considerations and factors. Indeed, the petition for review almost concedes that site C-13 is almost completely surrounded by non-resource development and that the resource uses listed in OAR 660-004-0028(3) are impracticable at the site. Petitioner's challenges to the findings regarding site C-11 are more developed.[5] However, we need not address those findings challenges because the issue of the sufficiency of the county's findings under the OAR 660-004-0028 factors would appear to be waived for failure to raise below any issues at all regarding the irrevocably committed exceptions. *Lucier v. City of Medford*, 26, Or LUBA 213, 216 (1993) (in order to raise the issue of whether findings of compliance with an applicable approval criterion are adequate, the petitioner must demonstrate that issues regarding compliance with that criterion were raised below). Because petitioner has not demonstrated that any issues regarding compliance with OAR 660-004-0028 were raised below, petitioner's arguments under this assignment of error do not provide a basis for reversal or remand.

B. Physically Developed

Petitioner may well be correct that, if the existing uses on sites C-11 and C-13 are "allowed by the applicable goal" then such uses cannot be used to justify a physically

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OAR 660-004-0028 the characteristics of the exception area, as well as "other relevant factors" that bear on whether the three resource uses listed in OAR 660-004-0028(2) are impracticable.

[5] Petitioner argues with respect to site C-11:

> "Properties adjacent to C-11 are, like C-11, zoned for resource use. The findings admit that there have not been any conflicts between the adjacent resource uses and the vehicle storage operations on the C-11 site, nor any other factors on the adjacent properties that would tend to commit the C-11 site to non-resource uses. In fact, only a portion of the C-11 site is proposed for the exception, and the rest, which surrounds it, would remain in F-2 zoning, 'for continuation of the current owners' pasture and woodlot operation.' Thus, nothing on the adjacent lands has committed the C-11 site to non-resource use, and thus the 'irrevocably committed' exception cannot be justified under OAR 660-004-0028." Petition for Review 7-8 (record citations omitted).

developed exception, under OAR 660-004-0025(2). However, it is clear that the county adopted both physically developed and irrevocably committed exceptions for sites C-11 and C-13. Because we have rejected petitioner's challenges to the irrevocably committed exceptions, and the irrevocably committed exceptions alone are sufficient to support the proposed plan and zoning amendments, any error the county may have made in adopting the physically developed exceptions would appear to be harmless error. Accordingly, we do not reach or resolve petitioner's challenges to the physically developed exceptions.

The first assignment of error is denied.

SECOND ASSIGNMENT OF ERROR

In their second assignment of error, petitioner challenges the rezoning of most of the remaining sites.[6] With respect to the challenged sites, petitioner argues that the county failed to comply with the requirements of OAR 660-004-0018(2) to ensure that the zoning classifications applied to each site will maintain the site as rural land.

Changes to the zoning of land that is already subject to physically developed or irrevocably committed exceptions do not require new exceptions, where the new zone satisfies the requirements of OAR 660-004-0018(2). OAR 660-004-0018(3); *Friends of Yamhill County v. Yamhill County*, 41 Or LUBA 247, 254 (2002). OAR 660-004-0018(2) requires plan and zoning designations applied to developed and committed exception areas to limit uses, density, and public facilities and services to those that meet at least one of four requirements. As relevant here, the plan and zoning designations must limit uses, density, and public facilities and services to those that (1) are the same as the existing land uses on the site, under OAR 660-004-0018(2)(a), or (2) maintain the land as "rural land," do not

[6] Petitioner expressly declines to challenge sites C-17 and C-18. Petitioner does not discuss at all sites C-6, C-9, or C-16, which are all located in unincorporated communities. The petition for review specifically discusses only sites C-2, C-3, C-4, C-5, C-7, C-8, C-10, C-12, C-14, C-15, C-20, and C-21.

commit adjacent or nearby resource land to nonresource use, and are compatible with adjacent or nearby resource uses, under OAR 660-004-0018(2)(b).[7]

Petitioner argues that it is frequently unclear with respect to each site whether the county chose to proceed under OAR 660-004-0018(2)(a) or (b). According to petitioners, the county's findings for each site generally focus on the existing use of the site, but do not limit the allowed uses to the existing use, as required by OAR 660-004-0018(2)(a). To the extent the county proceeded under OAR 660-004-0018(2)(b), petitioner argues that the county's findings fail to analyze the different and possibly more intensive uses that may be allowed in the RR, RC, RI, and RPF zones, as applicable, to conclude that the use allowed will maintain the land as rural land, be compatible with adjacent or nearby resource uses, and not commit resource lands to nonresource uses. Instead, petitioner argues, the findings

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[7] OAR 660-004-0018(2) provides, in relevant part:

> "For 'physically developed' and 'irrevocably committed' exceptions to goals, residential plan and zone designations shall authorize a single numeric minimum lot size and all plan and zone designations shall limit uses, density, and public facilities and services to those:
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> "(a) That are the same as the existing land uses on the exception site;
>
> "(b) That meet the following requirements:
>
> "(A) The rural uses, density, and public facilities and services will maintain the land as 'Rural Land' as defined by the goals and are consistent with all other applicable Goal requirements; and
>
> "(B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource use as defined in OAR 660-004-0028; and
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> "(C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses; [or]
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> "(c) For which the uses, density, and public facilities and services are consistent with OAR 660-022-0030, 'Planning and Zoning of Unincorporated Communities,' if applicable; or
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> "(d) That are industrial development uses, and accessory uses subordinate to the industrial development, in buildings of any size and type, provided the exception area was planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714."

generally discuss the *existing* use and conclude that the *existing* use is rural, is compatible with adjacent or nearby resource uses, and will not commit resource lands to nonresource uses.

The county responds that, as explained in the supplemental findings the BCC adopted, the RR, RC, RI, and RPF zones were developed in periodic review in 2002 in part to ensure that uses allowed in those zones are rural in character, consistent with Statewide Goals 11 and 14.[8] The findings go on to conclude that the 21 sites will remain "rural lands" as defined by the goals under the new zoning. Record 388-89. The county argues that the intended rural nature of the uses allowed in those zones is a legitimate consideration for purposes of OAR 660-004-0018(2)(b). Further, the county argues, the specific findings adopted for each site adequately address the requirements of OAR 660-004-0018(2)(b) and adequately explain why the applied zone is sufficient to ensure that the rural uses, density, and public facilities and services will maintain the land as 'rural land," that the uses allowed by the zone will be compatible with adjacent or nearby resource uses and that those uses will not commit nearby resource lands to nonresource use.

We understand the county to argue that while the county adopted findings under OAR 660-004-0018(2)(a) for most of the sites, the main emphasis on each site is on OAR 660-004-0018(2)(b). Petitioner is correct that the county's OAR 660-004-0018(2)(b) findings for most sites focus on the existing use and do not specifically evaluate other uses potentially allowed in the applicable zone. However, for the reasons explained below we do

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[8] The supplemental findings recount the history of periodic review, quote all of the criteria and uses allowed in the RR, RC, RI, and RPF zones, and then state:

> "When these development criteria were enacted, those actions were designed to address both the Goal 2 Exception requirements and the Goal 11 and 14 issues raised by the previous and now superceded C-1, C-2, C-3 and CR commercial land use codes, M1, M2 and M3 industrial and use codes, and PF public facility zoning regulations. Among other things, those actions were designed to establish zones that would assure maintenance of the rural character of land uses outside of urban growth boundaries and address issues of compatibility with any impacts on adjacent resource lands." Record 387.

not see that OAR 660-004-0018(2)(b) necessarily requires an exhaustive analysis of all the uses allowed in the new zone.

As an initial matter, we agree with the county that the fact that LCDC recently acknowledged the four rural zones to comply with Goals 11 and 14, after the county completed a periodic review work task intended in part to ensure that the county's rural zones maintain rural lands as rural lands, goes a long way to support the county's conclusion that the particular rural zone applied to each site satisfies OAR 660-004-0018(2)(b)(A). That LCDC acknowledgment establishes that, absent circumstances that point to a contrary conclusion in a particular case, it is appropriate to apply those zones to rural property. When such a rural zone is applied to a particular parcel or to allow development of a particular proposed use there may arise some legitimate reason to question whether that rural zone is adequate, in and of itself, to ensure that rural lands are maintained as rural lands. *DLCD v. Klamath County*, 40 Or LUBA 221, 227 (2001). However, petitioner identifies no such reasons in the present case.

Second, we generally agree with the county that it may not be necessary under OAR 660-004-0018(2)(b) to evaluate all the various uses potentially allowed in the new rural zone that is applied to an existing exception area when (1) the rezone is from one nonresource zone to another nonresource zone, (2) the site that is rezoned is already developed with an existing use, and (3) the purpose of the rezone is to conform the zoning designation more closely to the existing use.

That said, evaluation of at least *some* uses allowed in the new zone may be necessary where the purpose of the rezone is to allow the exception area to be redeveloped or it is reasonable to assume that the rezoned property will be developed or redeveloped into uses that were not allowed by the old zone but are allowed by the new zone. Where the applicant intends to redevelop the site with a particular use allowed in the new zone, for example, the county must evaluate that new use under OAR 660-010-0018(2)(b). *See, e.g., Doty v. Coos*

County, 42 Or LUBA 103, 116-18 (2002), *rev'd and rem'd on other grounds* 185 Or App 233, 59 P3d 50 (2003) (zone change from industrial to recreation to allow former mill site in an existing exception area to be redeveloped into a recreational vehicle park).

Where the application is intended to allow redevelopment of a developed site or to allow development of a vacant site, but no specific use is proposed, the county may be required to evaluate a wider range of uses allowed in the new zone. Similarly, if some party identifies some reason to believe that due to the nature or size of the property or other relevant factors the rezoning can reasonably be expected to result in development or redevelopment that would fail to maintain the land as rural land, commit nearby resource uses to nonresource use or be incompatible with nearby resource uses, the county must specifically consider that possibility in its findings and impose appropriate conditions if necessary to assure that the new zoning complies with OAR 660-004-0018(2).

However, even where some of the uses that are allowed in the new zone must be specifically evaluated, we believe that the county's evaluation may be confined to uses allowed in the new zone that are arguably more intensive than uses allowed in the existing zone.[9] That is because in initially applying the existing zone to a physically developed or irrevocably committed exception area, the county presumably adopted findings that the zone complied with OAR 660-004-0018(2) or, at least, to the extent the existing zone does not comply with the rule, that noncompliance cannot be challenged in the rezoning decision. As a general matter, then, the county may assume that the uses allowed in the existing zone are

[9] For a relatively straightforward example, if the existing zone applied to irrevocably committed exception area is rural residential 10-acre minimum, and the new zone is rural residential 5-acre minimum, the county must evaluate the impacts of the more intensive residential uses allowed in the new zone, and explain why application of the new zone is consistent with OAR 660-004-0018(2)(b). Conversely, if the existing zone is rural residential 5-acre minimum and the new zone is rural residential 10-acre minimum, the county's findings under OAR 660-004-0018(2)(b) may simply note that the uses allowed in the new zone are less intensive than those allowed in the existing zone, if that is indeed the case, and conclude therefrom that the new zone complies with OAR 660-004-0018(2)(b)(A), (B) and (C).

not inconsistent with OAR 660-004-0018(2) and from that basis determine which uses allowed in the new zone, if any, must be evaluated.

Applying those general principles to the arguments in the present case, with one relevant exception discussed below the county found that the rezoning in each case is intended to conform the zoning designation more closely with the existing use. For example, with respect to Site C-2, which is zoned RR and developed with a grange hall built in the 1950s, the county found that the rezone to RPF is intended to "recognize the 'public facility' use" of the grange hall. Record 62. Petitioner does not cite any reason to believe that Site C-2 is likely to be redeveloped with a different, more intensive use allowed in the RPF zone. Similarly, with respect to the other developed sites, petitioner makes no attempt to identify any reason to believe that any site is likely to be redeveloped with a use that might violate OAR 660-004-0018(2)(b). Therefore, with respect to the already developed sites, we reject petitioner's overarching argument that the county was required to specifically evaluate all or some of the different uses allowed in the new zone under OAR 660-004-0018(2)(b).

Aside from that overarching argument, petitioner briefly challenges aspects of the findings for specific sites. For the most part, those challenges simply reiterate petitioner's view, rejected above, that the county erred under OAR 660-004-0018(2)(b)(A-C) in failing to evaluate all of the new uses that are hypothetically allowed in the new zone. With respect to Sites C-4, C-5, and C-20, however, petitioner points out that the planning commission voted to recommend the proposed rezone "with the caveat that the property was restricted to its current use." Record 1163 (C-4 and C-5), 1166 (C-20). Petitioner argues that the "final decision did not include that restriction, and thus the findings do not support the decision to allow the more extensive and intensive uses" permitted in the new zone. Petition for Review 12 (regarding Site C-4).

It is not clear whether this argument is directed at the county's findings regarding OAR 660-004-0018(2)(a) or OAR 660-004-0018(2)(b). We note, in this regard, that the

county findings for each site with an existing developed use state that "[t]his proposed zoning change, as it can be restricted to the use that exists, is in accord with the requirements of state law." *See, e.g.*, Record 63 (Site C-2). Although not entirely clear, this finding is apparently intended to "limit uses, density, and public facilities and services to * * * the existing land uses on the exception site," pursuant to OAR 660-004-0018(2)(a). We understand petitioner to argue that the ordinance itself, rather than the findings adopted in support of the ordinance, must limit the use of an exception site to the existing use, for purposes of OAR 660-004-0018(2)(a). The answer to that question is not clear to us, but we need not resolve it in the present case. Even if the county erred for purposes of OAR 660-004-0018(2)(a) in failing to place a restriction in the ordinance itself, as explained above for purposes of OAR 660-004-0018(2)(b)(A-C) the county need not conduct a hypothetical evaluation of the uses allowed in the new zone where: (1) the intent of the rezone is conform the zone more closely to the existing use, not to allow a different use, and (2) there is no reason to believe that a developed site is likely to be redeveloped into a different, more intensive use authorized by the new zone that might violate one or more of the requirements of OAR 660-004-0018(2)(b). As noted, petitioner on appeal has not identified any such reasons with respect to any of the developed sites.[10]

The only challenged site that requires extended discussion in our view is Site C-21, which is a 10.24-acre vacant parcel that is currently zoned RI, located between a state highway and the Siuslaw River. The applicant proposed to rezone it from RI to RC to facilitate future commercial development of an unspecified nature. The findings under OAR 660-004-0018(2)(a) state that the RC zone "has the potential to allow more compatible, water-dependent use of the 10.24-acres than the current Rural Industrial (RI) designation. The change of zoning would eliminate the potential for a more intensive and less compatible

[10] As far as we know, no such reasons were identified below, either.

industrial use to be established on the subject property in the future." Record 365. The findings go on to conclude under OAR 660-004-0018(2)(b) that the RC zone would maintain the parcel as rural land, would not commit nearby resource land to nonresource use, and is compatible with nearby resource uses.[11]

We understand petitioner to argue that without an existing use or a specific commercial proposal to evaluate, the county cannot conclude that applying the RC zone to Site C-21 is consistent with OAR 660-004-0018(2)(b)(A-C), without specifically evaluating each of the various commercial uses allowed in the RC zone to determine whether any of those uses, if allowed, might commit nearby resource land to nonresource use, or be incompatible with nearby resource uses.

However, the findings explain that Site C-21 is in the center of the existing exception area, and is bordered on only one side by resource lands, across the highway. The findings conclude that "any allowable use" in the RC zone would be buffered from nearby resource

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[11] The county's findings addressing OAR 660-004-0018(2)(b)(B) and (C) state, in relevant part:

> "The subject property is situated south of Highway 126 and bordered by Rural Industrial properties to the west and east. There are four properties directly across Highway 126 to the north zoned Impacted Forest Land (F2) and developed with six residences.
>
> "* * * * *
>
> "The residential uses within the F2 zone intervene between the forest management practices on lands to the north and the subject property to the south. The nearest Exclusive Farm Use lands are located further to the northwest beyond the F2 lands referenced above and are located to the west of the North Fork of the Siuslaw River. Forest lands to the south are located on the southern shoreline of the Siuslaw River. The isolation of the subject property by the public road right-of-way, residential uses, and the two rivers buffer any allowable use in the Rural Commercial Zone from resource management practices on nearby lands. There are no foreseeable impacts from the proposed zone change, or any increased commitment to nonresource uses of nearby forest lands and agricultural lands or practices.
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> "* * * * *
>
> "* * * The residential development on F2 lands and the public facility and industrial development pattern discussed in (B) above, indicates the rezoning from industrial use to commercial use in the center of the [exception] area will be compatible with the resource use of forest and agricultural lands in the adjoining sections." Record 365-66.

lands and resource operations by the highway, residential development, and the river. Petitioner does not cite to any particular commercial use allowed in the RC zone that, if allowed on Site C-21, would be so intensive or different in nature from uses allowed in the RI zone so as to commit nearby resource lands to nonresource use, or would be incompatible with such uses, given the presence of those buffers. Petitioner has not demonstrated that OAR 660-004-0018(2)(b) requires a more detailed analysis of Site C-21 in the present circumstances. The remaining arguments under the second assignment of error similarly provide no basis for reversal or remand.

The second assignment of error is denied.

The county's decision is affirmed.