

BEFORE THE LAND USE BOARD OF APPEALS  
OF THE STATE OF OREGON

CENTRAL OREGON LANDWATCH,  
*Petitioner,*

vs.

JEFFERSON COUNTY,  
*Respondent,*

and

MAC INVESTMENTS, INC.,  
*Intervenor-Respondent.*

LUBA No. 2023-026

FINAL OPINION  
AND ORDER

Appeal on remand from the Court of Appeals.

Rory Isbell represented petitioner.

Rand Campbell represented respondent.

D. Adam Smith represented intervenor-respondent.

ZAMUDIO, Board Member; RYAN, Board Chair; RUDD, Board  
Member, participated in the decision.

REMANDED

07/25/2024

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

**NATURE OF THE DECISION**

Petitioner appeals a board of commissioners decision approving a comprehensive plan map amendment and zone change from Range Land (RL) to Rural Residential 2 acre (RR2) including approving exceptions to Statewide Planning Goals 3 (Agricultural Lands) and 14 (Urbanization).

**FACTS**

This matter is on remand from the Court of Appeals. *Central Oregon Landwatch v. Jefferson County*, 332 Or App 302, 550 P3d 424 (2024). We set out the facts in our prior decision and do not restate them here. *Central Oregon Landwatch v. Jefferson County*, \_\_\_ Or LUBA \_\_\_ (LUBA No 2023-026, Sept 8, 2023).

**THIRD ASSIGNMENT OF ERROR**

Petitioner argued that the county erred by finding that the decision does not authorize the expansion of an existing unincorporated community and by not addressing the criteria for such an expansion. OAR 660-004-0020(4); OAR 660-004-0022(4). We agreed. On judicial review, the Court of Appeals reversed and remanded that portion of our decision. We therefore must deny this assignment of error for the reasons set out in the court’s decision.

1 **FIRST AND SECOND ASSIGNMENTS OF ERROR**

2 We sustained, in part, the first assignment of error. We sustained the  
3 second assignment of error. The court's opinion does not require us to revisit our  
4 dispositions of those assignments of error.

5 **FOURTH AND FIFTH ASSIGNMENTS OF ERROR**

6 We did not reach or address the fourth or fifth assignments of error. The  
7 court's opinion does not require us to revisit the dispositions of those assignments  
8 of error.

9 **SIXTH ASSIGNMENT OF ERROR**

10 We denied the sixth assignment of error. The court's opinion does not  
11 require us to revisit the disposition of that assignment of error.

12 The county's decision is remanded.