

COURT OF APPEALS OF OREGON

Central Oregon LandWatch v. Jefferson County

347 Or. App. 454 (2026) · No. A189176 · Decided February 25, 2026

SUMMARY

The Oregon Court of Appeals affirmed a Land Use Board of Appeals remand concerning Jefferson County’s approval of a comprehensive plan map amendment, zone change, and exceptions to Statewide Planning Goals 3 and 14. The court held that profitability alone could not establish that grazing was an impracticable farm use for an irrevocably committed Goal 3 exception and that the county’s findings did not adequately connect relevant factors to that conclusion. The court also declined to reach the county’s challenge concerning comprehensive-plan amendment because the argument was not preserved.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	Aoyagi, Presiding Judge; Kamins, Judge; Pagán, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	February 25, 2026
DOCKET	A189176
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jefferson County appealed a Land Use Board of Appeals order that remanded in part the county's second approval of a comprehensive plan map amendment, zone change, and exceptions to Statewide Planning Goals 3 and 14.
STANDARD OF REVIEW	Under ORS 197.850(9)(a), the court reviews whether LUBA's order is unlawful in substance. The court reviews whether LUBA correctly stated and applied its own substantial-evidence standard; it does not substitute its judgment for LUBA's on whether a reasonable person could make a finding based on the whole record. The court may reverse LUBA only when the record contains no evidence supporting the finding or is so at odds with LUBA's evaluation that the court can infer LUBA misunderstood or misapplied its scope of review.
PRECEDENTIAL VALUE	Published and precedential

TOPICS

judicial review of agency action

administrative law

zoning

statutory interpretation

appellate procedure

PRACTICE AREAS

administrative law

land use

zoning

appellate procedure

QUESTIONS PRESENTED

1. Whether profitability alone could establish that grazing was an impracticable farm use for purposes of an irrevocably committed exception to Goal 3 under OAR 660-004-0028.
2. Whether LUBA misapplied its substantial-evidence standard in reviewing the county's findings concerning practicable agricultural uses and the factors relevant to an irrevocably committed exception.
3. Whether LUBA erred in concluding that the county's findings concerning parcel size, ownership patterns, regional and neighborhood characteristics, soil quality, lack of irrigation, and roads did not adequately support an irrevocably committed exception.
4. Whether the county preserved its challenge to LUBA's conclusion that the comprehensive-plan amendment was not yet shown to be necessary or required.

HOLDINGS

1. The fact that grazing on the subject property might not independently yield a profit is insufficient, by itself, to establish that grazing is an impracticable farm use for an irrevocably committed Goal 3 exception. Profitability may be relevant to whether an agricultural use qualifies as farm use under ORS 215.203, but it has more limited significance in the exception analysis and does not alone resolve whether the exception is allowable.
2. LUBA did not misstate or misapply its substantial-evidence standard in concluding that the county had not identified substantial evidence or adequately explained why grazing was the only potential farm use that needed to be addressed.
3. LUBA correctly concluded that the county's findings did not adequately link parcel size, ownership patterns, regional and neighborhood characteristics, soil quality, lack of irrigation, and road-use evidence to the ultimate question whether farm use of the subject property was impracticable because of its relationship to surrounding uses.
4. The court did not reach the county's fourth assignment of error because the county failed to preserve the argument that amendment would be necessary or required if only one of the two exceptions was supported.

KEY QUOTATIONS

“The question before the county was not whether the subject property—limited as it is, and always has been, by its soils and lack of irrigation—is fundamentally suitable for farm use under ORS 215.203.” (461)

“LUBA did not err in holding that the county analyzed the issue too narrowly when it rejected grazing as a practicable farm use of the subject property based on a lack of profitability alone.” (463)

FACTUAL BACKGROUND

Jefferson County approved a comprehensive plan map amendment, zone change, and exceptions to Goals 3 and 14 for a 142.5-acre parcel zoned range land and surrounded by the rural residential community of Crooked River Ranch. The county treated grazing as impracticable because the property could not independently support a profitable agricultural operation, while the record showed that grazing was feasible and that nearby ranches existed. LUBA found that the county had inadequately linked parcel size, ownership patterns, neighborhood characteristics, soil quality, lack of irrigation, and road-use concerns to the ultimate question whether farm use was impracticable because of surrounding uses and other relevant factors.

PROCEDURAL HISTORY

The county initially approved the land-use application, and LUBA remanded that approval. The county approved the application again, but LUBA again remanded in part, concluding that the county inadequately analyzed the Goal 3 exception and related factors and that the comprehensive-plan amendment was not yet shown to be necessary or required. The Oregon Court of Appeals affirmed LUBA's order and declined to reach the county's fourth assignment of error because the argument was not preserved.

DISPOSITION

affirmed

CASES CITED

- Central Oregon LandWatch v. Jefferson County, 332 Or. App. 302, 550 P.3d 424 (2024)
- Redside Restoration v. Deschutes County, 344 Or. App. 383, 391, 581 P.3d 501 (2025)
- Citizens for Responsibility v. Lane County, 218 Or. App. 339, 345, 180 P.3d 35 (2008)
- Younger v. City of Portland, 305 Or. 346, 359, 752 P.2d 262 (1988)
- Wetherell v. Douglas County, 342 Or. 666, 160 P.3d 614 (2007)
- DLCD v. Curry County, 151 Or. App. 7, 11-12, 947 P.2d 1123 (1997)
- Lovinger v. Lane County, 36 Or. LUBA 1, 18-19, aff'd, 161 Or. App. 198, 984 P.2d 958 (1999)