

10. Goal 6 – Air, Water and Land Resource Quality. Where a local government concurrently approves both (1) a PAPA that allows low-intensity utilities as a conditional use (2) a CUP to install a subsurface pipeline via horizontal directional drilling (HDD) as a low-intensity utility, the local government errs by failing to apply Goal 6 to the pipeline and HDD and instead applying Goal 6 in the abstract to subsurface, low-intensity utilities without considering how the utility is installed. *Citizens for Renewables v. Coos County*, LUBA No 2020-003 (Feb 11, 2021).

10. Goal 6 – Air, Water and Land Resource Quality. Where DEQ previously denied an applicant’s request for federal Clean Water Act certification, the fact that the DEQ denial was without prejudice and that the applicant might be able to obtain the required approvals in the future does not undermine the DEQ denial to the extent that a reasonable person would instead rely entirely on the applicant’s evidence that the proposed use is unlikely to cause water quality violations to support a conclusion that the applicant will be able to comply with the state and federal environmental quality standards that it must satisfy to build the proposed use. *Citizens for Renewables v. Coos County*, LUBA No 2020-003 (Feb 11, 2021).

10. Goal 6 – Air, Water and Land Resource Quality. Goal 6 does not require a county, in rezoning land to a rural industrial zone that allows a wide range of industrial uses, many of which will require state or federal environmental review and permits, to identify exactly which industrial uses will be developed on the property, and what state and federal permits will be necessary. The county can rely on local regulations implementing Goal 6, which require that the owner obtain state and federal permits prior to receiving county development approval, to ensure that the rezoning is consistent with Goal 6, and reliance on such regulations does not represent a deferral of compliance with Goal 6. *Central Oregon Landwatch v. Deschutes County*, LUBA No 2021-028 (June 18, 2021).

10. Goal 6 – Air, Water and Land Resource Quality. Goal 6 comes into play when a decision authorizes future development that alone or combined with existing development will violate or threaten to violate state or federal environmental standards. Goal 6 does not come into play when a local government adopts a decision setting out how the local government plans to manage stormwater and related pollution from development within the city under current planning and zoning. *Nicita v. City of Oregon City*, LUBA Nos 2020-037/039 (Sept 21, 2021).

10. Goal 6 – Air, Water and Land Resource Quality. Goal 6 does not provide a legal standard that is independent of what the state and federal water quality programs require—programs that the Oregon Department of Environmental Quality administers. Therefore, Goal 6 does not require that a local government’s stormwater management plan and design standards prohibit discharges that might degrade water quality independent of what the federal and state laws and implementing standards require. *Nicita v. City of Oregon City*, LUBA Nos 2020-037/039 (Sept 21, 2021).

10. Goal 6 – Air, Water and Land Resource Quality. Goal 6 requires consideration of the cumulative effects of proposed future development and existing development, and it prohibits plan amendments allowing future development that, alone or combined with existing development, will violate or threaten to violate state or federal environmental standards. Remand is required where a county approves the expansion of an existing airport and its septic system, without considering the

cumulative effects of septic waste discharges from proposed development and existing development. *Schaefer v. Marion County*, LUBA No 2020-108 (Oct 12, 2021).

10. Goal 6 – Air, Water and Land Resource Quality. The relevant Goal 6 inquiry for a decision that amends comprehensive plan and zoning map designations, without approving any particular new development, is whether there is a reasonable expectation that applicable state and federal environmental quality standards can be met at the time the property is developed in the future. *Nicita v. City of Oregon City*, 75 Or LUBA 38 (2017).

10. Goal 6 – Air, Water and Land Resource Quality. In approving a change in the comprehensive plan and zoning map designations for a property to allow construction of a medical office building, a city only needs to establish that it is reasonable to expect that federal and state environmental standards will be met in the future when permits for the medical office building are sought. *Nicita v. City of Oregon City*, 74 Or LUBA 176 (2016).

10. Goal 6 – Air, Water and Land Resource Quality. At the post-acknowledgment plan amendment stage, a local government only need show it is reasonable to expect that applicable state and federal environmental quality standards can be met in order to show compliance with Statewide Planning Goal 6 (Air, Water and Land Resources Quality). *Graser-Lindsey v. City of Oregon City*, 74 Or LUBA 488 (2016).

10. Goal 6 – Air, Water and Land Resource Quality. ORS 468B.025(1)(b) is a prohibitory statute, and applies whether or not a concept plan or any zoning ordinance expressly includes the prohibition. Failing to include that prohibition in the concept plan does not mean that the concept plan fails to comply with Goal 6. *Graser-Lindsey v. City of Oregon City*, 74 Or LUBA 488 (2016).

10. Goal 6 – Air, Water and Land Resource Quality. Goal 6 requires that the local government establish that there is a reasonable expectation that the use for which land use approval is requested will also be able to comply with the state and federal environmental quality standards that it must satisfy to be built. *Hess v. City of Corvallis*, 70 Or LUBA 283 (2014).

10. Goal 6 – Air, Water and Land Resource Quality. Findings supporting a legislative decision that amends the Oregon Highway Plan to provide a process for modifying mobility standards need not address issues raised below regarding whether future decisions approving higher mobility standards will cause increased congestion of specific transportation facilities and increase pollution contrary to Goal 6, where Goal 6 will apply directly to any future decisions approving higher mobility standards for specific transportation facilities, and such issues cannot be meaningfully addressed in a legislative decision adopting general amendments to the Oregon Highway Plan. *Setniker v. ODOT*, 66 Or LUBA 54 (2012).

10. Goal 6 – Air, Water and Land Resource Quality. Before a local government is obligated to consider whether a land use regulation amendment implicates its obligations under Goal 6 to ensure that the amendment will not lead to violation of air quality standards, there must be at least some minimal basis for suspecting that the land use regulation amendment will have impacts on air quality that would threaten to violate air quality standards. *Home Builders Association v. City of Eugene*, 59 Or LUBA 116 (2009).

10. Goal 6 – Air, Water and Land Resource Quality. Goal 6 does not require that a local government anticipate and precisely duplicate state and federal environmental permitting requirements in approving a post-acknowledgment plan amendment for an aggregate mine. The local government is only required to establish that there is a reasonable expectation that the proposed mine will be able to comply with the applicable state and federal environmental quality standards. *Friends of the Applegate v. Josephine County*, 44 Or LUBA 786 (2003).

10. Goal 6 – Air, Water and Land Resource Quality. An argument that rezoning a property violates Goal 6 because the property allegedly contains hazardous waste provides no basis for reversal or remand under Goal 6 because that goal is not directed at existing site conditions. Goal 6 is directed at “waste and process discharges from future development.” *Swyter v. Clackamas County*, 40 Or LUBA 166 (2001).

10. Goal 6 – Air, Water and Land Resource Quality. Proposed development of a property with existing environmental hazards does not violate Goal 6 where those hazards are attributable to past uses of the property rather than to “future development,” and where the local government adopts findings and imposes conditions adequate to demonstrate that the proposed development will not violate state or federal environmental standards. *Neighbors for Livability v. City of Beaverton*, 40 Or LUBA 52 (2001).

10. Goal 6 – Air, Water and Land Resource Quality. Land use regulations may be adopted to comply with Goals 6 and 7 and related federal law requirements, without first complying with the Goal 5 planning requirements under OAR chapter 660, division 23, where the land use regulations are limited to those that may be required by Goals 6 and 7 and any related federal law requirements. *Rest-Haven Memorial Park v. City of Eugene*, 39 Or LUBA 282 (2001).

10. Goal 6 – Air, Water and Land Resource Quality. If a local government’s watershed is already in violation of applicable state environmental standards, it may not amend its comprehensive plan to allow future development that will compound that violation without either finding that the amendment is consistent with Goal 6 or taking an exception to Goal 6. *Citizens for Florence v. City of Florence*, 35 Or LUBA 255 (1998).

10. Goal 6 – Air, Water and Land Resource Quality. In determining whether a proposed quarry expansion should be approved, the local government must find it is feasible to comply with applicable environmental standards addressing air and water quality and noise. In doing so, it is appropriate to impose conditions of approval and defer responsibility for monitoring compliance to planning and engineering staff at a later stage of development. *Sanders v. Yamhill County*, 34 Or LUBA 69 (1998).

10. Goal 6 – Air, Water and Land Resource Quality. Goal 6 is limited by its terms to discharges of pollutants from future development itself. It does not apply to all such discharges that may occur consequentially as a result of the development. *Marcott Holdings, Inc. v. City of Tigard*, 30 Or LUBA 101 (1995).

10. Goal 6 – Air, Water and Land Resource Quality. Goal 6 requires a finding that a proposed use will be able to comply with applicable environmental standards, and is not satisfied by findings stating only that the proposed use will be required through conditions to comply with the standards. *Marcott Holdings, Inc. v. City of Tigard*, 30 Or LUBA 101 (1995).

10. Goal 6 – Air, Water and Land Resource Quality. When a property’s plan and zone designations are changed to allow a particular use, Goal 6 requires the local government to adopt findings explaining why it is reasonable to expect that applicable state and federal environmental quality standards can be met by the proposed use. Goal 6 does not require the local government to demonstrate its decision will not cause any adverse environmental impact on individual properties. *Salem Golf Club v. City of Salem*, 28 Or LUBA 561 (1995).

10. Goal 6 – Air, Water and Land Resource Quality. Where a city fails to consider (1) pollutant sources other than those associated with automobile emissions, and (2) the cumulative impacts of waste and process discharges from the uses to be established in a UGB expansion area and the discharges from existing sources, the city lacks an adequate factual base for determining the proposed UGB amendment complies with Goal 6 with regard to impacts on air quality. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994).