

13. Goal 9 – Economy of the State/ Goal 9 Rule. Zoning text amendments that make it much more likely that a commercial zone will be developed with non-Goal 9 uses are not necessarily consistent with the goal simply because the zone continues to allow commercial uses. *Sorensen v. City of Creswell*, 54 Or LUBA 468 (2007).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A city does not err in concluding that zoning text amendments that make it much more likely that a recreation commercial zone will be developed with noncommercial uses are consistent with the city’s Goal 9 obligations, where the city’s comprehensive plan indicates that there is a surplus of 18.8 vacant acres in the zone over the estimated 20-year need for recreational commercial uses. *Sorensen v. City of Creswell*, 54 Or LUBA 468 (2007).

13. Goal 9 – Economy of the State/ Goal 9 Rule. The guidelines to the Statewide Planning Goals are not standards that must be satisfied to approve a post-acknowledgment plan amendment, and thus alleged inconsistency between a plan amendment and a guideline to Goal 9 is not a basis to reverse or remand the plan amendment. *People for Responsible Prosperity v. City of Warrenton*, 52 Or LUBA 181 (2006).

13. Goal 9 – Economy of the State/ Goal 9 Rule. General, diffuse arguments based on Statewide Planning Goal 9 that do not cite or quote any specific Goal 9 language are insufficient to allow meaningful review of arguments that a plan amendment allowing new Goal 9 uses is inconsistent with Goal 9. *People for Responsible Prosperity v. City of Warrenton*, 52 Or LUBA 181 (2006).

13. Goal 9 - Economy of the State/ Goal 9 Rule. Where the issue raised at LUBA is the adequacy of a city’s findings to address specific planning requirements of LCDC’s Goal 9 rule, but no party mentioned the Goal 9 rule or otherwise raised any issues regarding the substantive requirements of the Goal 9 rule, that issue was waived and may not be raised for the first time at LUBA. *Cornelius First v. City of Cornelius*, 52 Or LUBA 486 (2006).

13. Goal 9 - Economy of the State/ Goal 9 Rule. A general allegation during local rezoning proceedings that statewide planning goals have not been addressed is not sufficient to raise the very specific issue that Goal 9 and OAR 660-009-0015 may require preparation of an economic opportunities analysis. *Jaffer v. City of Monmouth*, 51 Or LUBA 633 (2006).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Local governments must address Goal 9 not only when post-acknowledgment plan amendments redesignate land to or from industrial or commercial use, but also when amendments effectively convert lands planned and zoned for industrial or commercial uses to nonindustrial and noncommercial uses. *Grahn v. City of Newberg*, 50 Or LUBA 219 (2005).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A post-acknowledgment plan amendment that authorizes on a specific parcel a transportation facility that (1) is

permitted in the industrial zone and (2) serves industrial uses in the area is consistent with Goal 9, notwithstanding any current or longterm shortage in the city's industrial lands inventory. *Grahn v. City of Newberg*, 50 Or LUBA 219 (2005).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A plan amendment that authorizes a use permitted in an industrial zone and does not change the plan designation or zoning of any industrial-zoned property does not “change the plan designation” within the meaning of OAR 660-009-0010(4) and thus does not trigger the requirements of the Goal 9 rule. *Grahn v. City of Newberg*, 50 Or LUBA 219 (2005).

13. Goal 9 - Economy of the State/ Goal 9 Rule. A post-acknowledgement plan amendment that redesignates more than two acres for commercial use must follow one of the three courses of action set out at OAR 660-009-0010(4). Although one of those permissible courses of action is to demonstrate that the post-acknowledgement plan amendment is consistent with the part of the acknowledged comprehensive plan that was adopted to implement the Goal 9 administrative rule, where the proposed action appears to be inconsistent with implementation strategies in the plan, the city must amend its acknowledged comprehensive plan following the planning requirements of OAR 660-009-0015 through 660-009-0025 and in doing so it must prepare an economic opportunities analysis. *Jaqua v. City of Springfield*, 46 Or LUBA 134 (2004).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Nothing in either Goal 9 or Goal 14 requires a city to take into account the supply and demand for commercial and industrial lands in portions of the regional UGB outside the city's planning jurisdiction in deciding whether to rezone industrial lands within the city to allow commercial uses. *Friends of Marion County v. City of Keizer*, 45 Or LUBA 236 (2003).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A rezoning decision that leaves the city with only 55 buildable acres of industrial land is consistent with Goal 9, where the record shows that the city needs only 38.5 acres of land within the relevant planning period. The city may assume that all lands zoned for industrial uses are available for industrial uses for purposes of Goal 9, notwithstanding that the city's industrial zones allow a limited set of non-industrial uses. *Friends of Marion County v. City of Keizer*, 45 Or LUBA 236 (2003).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Nothing in the Goal 9 rule suggests that a county must conduct the “Economic Opportunities Analysis” required by OAR 660-009-0015(4) at the time of periodic review, in the context of establishing a population forecast pursuant to ORS 195.036. *Tipperman v. Union County*, 44 Or LUBA 98 (2003).

13. Goal 9 – Economy of the State/ Goal 9 Rule. It is consistent with the Goal 9 requirement for an adequate supply of sites of “suitable sizes” for a city to preserve the limited supply of large commercial sites in the city, notwithstanding a relative abundance of smaller commercial-zoned sites. *Walker v. City of Dayton*, 44 Or LUBA 766 (2003).

13. Goal 9 – Economy of the State/ Goal 9 Rule. While Goal 9 does not require local governments to make land available for all kinds of economic uses, it grants local governments considerable discretion in shaping the economic future of their communities. Goal 9 authorizes a city to protect its initial choice to include one of the relatively few large commercial-zoned sites in its commercial lands inventory, and to deny a request to redesignate that site to noncommercial uses. *Walker v. City of Dayton*, 44 Or LUBA 766 (2003).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Where petitioners make a facially plausible showing that new tree protection and water resource regulations are likely to reduce the development potential for residential, commercial and industrial lands, the city has an obligation to demonstrate that despite any such reductions in development potential the city's inventories continue to comply with Goals 9 and 10. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goals 9 and 10 do not prohibit increases in regulatory burdens or require local governments to refrain from imposing any particular level of regulatory burden. Therefore, incorporation of comprehensive plan policies into the zoning code pursuant to ORS 197.195, in order to apply those policies as approval criteria to limited land use decisions, does not violate Goals 9 and 10 even if application of such policies as approval criteria would impose additional regulatory burdens on development of Goal 9 and 10 lands. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goal 9 does not obligate a local government to adopt a decision ensuring that large format retail uses will be approved. Rather, the local government's decision must demonstrate that it considered the impact of its decision on broad categories of commercial and industrial uses in light of competing policy objectives. *Home Depot, Inc. v. City of Portland*, 37 Or LUBA 870 (2000).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A comprehensive plan amendment that increases the required right of way for major arterials from 80 feet to 100 feet may reduce the supply of buildable land and commercial sites and thus requires findings that address Statewide Planning Goals 9 and 10. *Volny v. City of Bend*, 37 Or LUBA 493 (2000).

13. Goal 9 – Economy of the State/ Goal 9 Rule. The Statewide Planning Goal 9 administrative rule requires that comprehensive plans be amended to comply with the rule at the time of periodic review. Where a local government adopts a comprehensive plan amendment that identifies a future shortfall of commercial lands, neither the Goal 9 rule nor Goal 9 itself requires that the local government correct that shortfall outside of the context of periodic review. *Volny v. City of Bend*, 37 Or LUBA 493 (2000).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goal 9 does not require that a city find that its "regulations will result in there being an adequate supply of sites for telecommunication facilities." *Western PCS, Inc. v. City of Lake Oswego*, 33 Or LUBA 369 (1997).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A land use regulation does not "prohibit new telecommunication" facilities where such facilities are allowed as a permitted or conditional use in all zones and variances are allowed for otherwise applicable height limits and setback requirements. *Western PCS, Inc. v. City of Lake Oswego*, 33 Or LUBA 369 (1997).

13. Goal 9 - Economy of the State/ Goal 9 Rule. Goal 9, paragraph 3, which requires "an adequate supply of sites," applies to all commercial sites, not just vacant, buildable commercial sites. *Opus Development Corp. v. City of Eugene*, 30 Or LUBA 360 (1996).

13. Goal 9 - Economy of the State/ Goal 9 Rule. Goal 9, paragraph 3, which requires "an adequate supply of sites," is implemented by both OAR 660-09-015(2) and (3). *Opus Development Corp. v. City of Eugene*, 30 Or LUBA 360 (1996).

13. Goal 9 - Economy of the State/ Goal 9 Rule. When the city's inventory of both developed and undeveloped land was considered at the time the city determined its inventory of vacant, buildable commercial land was adequate, the city must consider the impact of restricting redevelopment of developed land in determining whether its inventory of vacant, buildable commercial land is still adequate. *Opus Development Corp. v. City of Eugene*, 30 Or LUBA 360 (1996).

13. Goal 9 - Economy of the State/ Goal 9 Rule. When the city's inventory of both developed and undeveloped land was considered at the time the city determined its supply of vacant, buildable industrial land was adequate, the city must consider the impact of restricting redevelopment of developed land in determining whether its supply of vacant, buildable industrial land is still adequate. *Opus Development Corp. v. City of Eugene*, 30 Or LUBA 360 (1996).

13. Goal 9 - Economy of the State/ Goal 9 Rule. The Goal 9 rule applies only to plan and land use amendments adopted during periodic review, but it provides interpretive guidance in applying Goal 9 to quasi-judicial changes to acknowledged comprehensive plans or land use regulations that affect continued compliance with Goal 9. *Marcott Holdings, Inc. v. City of Tigard*, 30 Or LUBA 101 (1995).

13. Goal 9 - Economy of the State/ Goal 9 Rule. Because OAR 660-09-025(1) allows a fair degree of imprecision in both the number and acreage of sites needed to accommodate industrial and commercial uses, as well as broad site categories, it is not necessary in cases involving very minor changes in acreages to support Goal 9 findings with extensive analysis. *Marcott Holdings, Inc. v. City of Tigard*, 30 Or LUBA 101 (1995).

13. Goal 9 - Economy of the State/ Goal 9 Rule. Legislative changes to acknowledged comprehensive plans or land use regulations that reduce a local government's supply of industrially designated land must be supported by (1) findings demonstrating the remaining industrially designated land is adequate to satisfy the requirements of Goal 9, (2) argument establishing compliance with Goal 9 based on plan provisions, code

provisions and evidence in the record, or both. *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670 (1995).

13. Goal 9 - Economy of the State/ Goal 9 Rule. Goal 9, paragraph 3 requires that a local government's inventory of suitable commercial and industrial sites be adequate not just with regard to total acreage, but also with regard to size, type, location and service levels, to provide for a "variety of industrial and commercial uses consistent with plan policies." *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670 (1995).

13. Goal 9 - Economy of the State/ Goal 9 Rule. Goal 9, paragraph 4 does not impose a requirement that uses near *all* lands zoned for commercial or industrial use be limited to those compatible with commercial and industrial uses in general, but rather applies only where a local government has designated certain commercial or industrial zoned land for *specific* commercial or industrial uses with special site requirements. OAR 660-09-025(4). *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670 (1995).

13. Goal 9 - Economy of the State/ Goal 9 Rule. Goal 9 does not require that a post-acknowledgment plan amendment changing the designation of urban land from Industrial-Commercial to Industrial be supported by a demonstration that the proposed industrial use of the land is necessary to the local economy or will provide products that existing producers cannot supply. *Salem Golf Club v. City of Salem*, 28 Or LUBA 561 (1995).

13. Goal 9 - Economy of the State/ Goal 9 Rule. OAR Chapter 660, Division 9 applies only to plan and land use regulation amendments adopted during periodic review. OAR 660-09-010(2). *Melton v. City of Cottage Grove*, 28 Or LUBA 1 (1994).

13. Goal 9 - Economy of the State/ Goal 9 Rule. OAR 660-09-025 does not require the adoption of specific implementing plan designations and zoning districts, concurrent with the adoption of a UGB amendment, in all instances. OAR 660-09-025 simply establishes certain Goal 9 driven requirements that are applicable at the time certain local governments adopt measures implementing a UGB amendment. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994).