

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Because OAR 660-004-0020(2)(b)(B)(iv) requires a local government to determine whether the “proposed use” can be “reasonably accommodated without the provision of a proposed public facility or service,” it is reasonably clear under the rule that the “proposed use” and the “public facility” are two different things. In the context of a Goal 11 exception to extend public facilities to serve proposed development on lands outside the urban growth boundary, the “proposed use” can only be the proposed development to be served by the facility extension, and not the extended public facility. *Todd v. City of Florence*, 52 Or LUBA 445 (2006).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** In granting a Goal 11 exception to extend a public sewer system outside the urban growth boundary, OAR 660-004-0020(2)(b) through (d) require a city to evaluate the “proposed use,” the development served by that extended sewer facility, even if that development is not subject to the city’s approval authority and does not require a goal exception. *Todd v. City of Florence*, 52 Or LUBA 445 (2006).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** The reasons set out in OAR 660-004-0022(1) are not the exclusive set of reasons that may justify an exception to applicable goals, and it is at least theoretically possible to identify a sufficient reason why the state policy embodied in the applicable goal should not apply that does not require evaluation of the ultimate use or proposed development of the exception area. *Todd v. City of Florence*, 52 Or LUBA 445 (2006).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** That it is economically advantageous to a developer to rely on public services extended from the urban growth boundary rather than develop such services on site is an insufficient “reason” why the state policy embodied in Goal 11 should not apply. *Todd v. City of Florence*, 52 Or LUBA 445 (2006).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Goal 11 requires an “orderly and efficient arrangement of public facilities and services.” That requirement is little offended by allowing a single sewer system to serve two adjoining areas that each have the legal right and ability to develop urban uses and urban-level public facilities, notwithstanding that one area is within an urban growth boundary and the other outside. *Todd v. City of Florence*, 52 Or LUBA 445 (2006).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** OAR 660-011-0060(9) requires that a local government adopting an exception to Goal 11 to extend a sewer system outside the urban growth boundary also adopt land use regulations that prohibit the sewer system from serving uses other than those justified in the exception. A provision in an intergovernmental agreement (IGA) that limits sewer access to residential and commercial uses is insufficient to satisfy OAR 660-011-0060(9), because the provision does not limit uses served by the sewer to uses specifically justified in the exception. *Todd v. City of Florence*, 52 Or LUBA 445 (2006).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A decision that changes the comprehensive plan and zoning map designations for a parcel to allow residential development with a two-acre minimum lot size does not violate the OAR 660-011-0065(2) prohibition against allowing increased residential development density outside urban growth boundaries due to the presence of a community water system, where the two-acre minimum lot size applies under the changed plan and zoning map designations with or without a community water system. *Holloway v. Clatsop County*, 52 Or LUBA 644 (2006).

**15. Goal 11 - Public Facilities and Services/ Goal 11 Rule.** ORS 223.314 provides a statutory exclusion from the statutory definition of land use decision. But that exclusion only applies to the extent “a plan \* \* \* adopted pursuant to ORS 223.309” is adopted for the limited purpose of supplying the public facility list that is required by ORS 223.309 as a precondition of adopting a systems development charge methodology. *Home Builders Assoc. v. City of Springfield*, 50 Or LUBA 109 (2005).

**15. Goal 11 - Public Facilities and Services/ Goal 11 Rule.** Goal 11 does not prohibit local governments from pursuing separate, contemporaneous decision making processes—one to adopt a regional sewerage plan to comply with ORS 223.309 and state and federal environmental regulations and another to adopt corresponding amendments to the regional comprehensive plan to comply with the local governments’ planning obligations. *Home Builders Assoc. v. City of Springfield*, 50 Or LUBA 109 (2005).

**15. Goal 11 - Public Facilities and Services/ Goal 11 Rule.** So long as sewerage facilities recommended in a regional sewerage plan cannot be built until the applicable comprehensive plan is amended to recommend those facilities, the regional sewerage plan may be adopted before the comprehensive plan is amended and the decision to adopt that regional sewerage plan to comply with state and federal environmental regulations and the requirements of ORS 223.309 for adoption of a systems development charge methodology is not a land use decision that is reviewable by LUBA. The reviewable land use decision will be adopted when the corresponding comprehensive plan amendments are adopted. *Home Builders Assoc. v. City of Springfield*, 50 Or LUBA 109 (2005).

**15. Goal 11 - Public Facilities and Services/ Goal 11 Rule.** A Goal 11 Public Facility Plan that includes a single listing for a “water pollution control facility treatment project” as a significant public facility project is inadequate where that project is actually many different projects to be constructed in different phases over a 15-year period at a cost of \$120 million. To comply with Goal 11, the significant public facility project components of that larger project must be broken down and identified in the public facility plan. *Home Builders Assoc. v. City of Springfield*, 50 Or LUBA 134 (2005).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Where a local comprehensive plan policy defines “Urban Exception Areas” as lands with acknowledged exceptions to Statewide Planning Goals 3, 4 and 11, the county need not require an exception to Goal 11 where it limits uses in approved exception area to those uses that do

not require or impact urban public facilities. *Doob v. Josephine County*, 49 Or LUBA 113 (2005).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Absent an exception to Goal 11, a county cannot apply a zone that allows clustered residential development served by communal water supply and sewage treatment or disposal facilities on rural lands outside unincorporated communities. *Wood v. Crook County*, 49 Or LUBA 682 (2005).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Neither Goal 11 nor Goal 14 identifies annexation or application of city zoning as the decision points at which (1) a specific development proposal must be approved and (2) any public service or facility inadequacies at the property must be corrected. *Just v. City of Lebanon*, 45 Or LUBA 179 (2003).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Findings that establish that a proposed motor speedway must be centrally located in its market area, that it will provide significant local economic benefits, and that it has characteristics that make locating the speedway within nearby urban growth boundaries an unreasonable alternative are sufficient to provide reasons for an exception to Goals 11 and 14. *Doherty v. Morrow County*, 44 Or LUBA 141 (2003).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A county may not rely on a previously adopted Goal 3 exception for airport related industrial uses to justify approving a major automobile speedway and speedway related uses on rural agricultural land. Although the same factors that the county relied on to justify Goal 11 and Goal 14 exceptions for the speedway and related uses might justify a new Goal 3 exception, a new Goal 3 exception must be adopted to replace the one that was adopted for the airport related industrial uses. *Doherty v. Morrow County*, 44 Or LUBA 141 (2003).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Assuming that a public park is a “public facility or service” governed by Goal 11, because a public park is permitted by statute on EFU land without taking an exception to Goal 11, a public park is also allowed on rural land zoned other than EFU without taking an exception to Goal 11, or requiring that the park serve only rural lands. *Stallkamp v. City of King City*, 43 Or LUBA 333 (2002).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A public stormwater facility is or can be a “utility facility necessary for public service” allowed by statute in the EFU zone. Such a facility is also allowed on rural lands zoned other than EFU without taking an exception to Goal 11 or requiring that the stormwater facility serve only rural lands. *Stallkamp v. City of King City*, 43 Or LUBA 333 (2002).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A city’s failure to enter into an urban services agreement with a rural fire protection district prior to annexing property

located within the fire district does not violate either Goal 2 or Goal 11. *West Side Rural F.P.D v. City of Hood River*, 43 Or LUBA 546 (2003).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Although Goal 11 does not require lot-by-lot approvals of individual septic systems at the time property is rezoned, a local government's findings must establish that it is feasible to provide adequate individual sewage disposal systems. *DLCD v. Klamath County*, 38 Or LUBA 769 (2000).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Where issues of the availability of public facilities and services are raised, the local government must determine the need for and the existence of an appropriate level of service to support the proposed development before making a finding that the goal has been satisfied. *Riggs v. Douglas County*, 37 Or LUBA 432 (1999).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** To determine whether sufficient services are available to support a proposed rural development, the local government shall (1) determine the type of services that are currently available, if any; (2) determine the appropriate level of service for the proposed development; and (3) determine the feasibility of providing such service, if it does not already exist. *Riggs v. Douglas County*, 37 Or LUBA 432 (1999).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A proposed subdivision in which the dwellings will connect to existing water lines within a water district's existing service area does not violate Goal 11's prohibition on the "establishment or extension of a water line." *DeShazer v. Columbia County*, 35 Or LUBA 689 (1999).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A committed exception to Goal 11 will be remanded, where the effect of taking the exception is to allow urban uses that would not be supported by levels of public facilities and services appropriate for a rural area and the county has not shown that it is impracticable to continue using the property for rural residential use. *James v. Josephine County*, 35 Or LUBA 493 (1999).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A finding that a proposed subdivision will be connected to the city's storm drainage system is not supported by substantial evidence, where the proposed drainage system stops short of the city's storm drainage system and a condition of approval requiring paved access to the subdivision is not adequate to ensure that the storm drainage connection will be constructed along with that paved access. *Hunt v. City of Ashland*, 35 Or LUBA 467 (1999).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Goal 11 applies when a local government redesignates land to allow for more intensive uses that place greater demand on public facilities than uses allowed under an existing designation. Goal 11 is not implicated when a local government redesignates land to allow a shopping center that will place fewer demands on public facilities than the residential uses allowed under the current designation. *Citizens for Florence v. City of Florence*, 35 Or LUBA 255 (1998).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Goal 11 prohibits relying on "establishment or extension of a water system" as a basis for allowing higher residential density outside UGBs. Where a local government approves a rural subdivision with a higher density based on provision of water service, it must explain why the apparently applicable Goal 11 prohibition does not apply. *DeShazer v. Columbia County*, 34 Or LUBA 416 (1998).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Where it is not apparent that provision of water to a rural subdivision merely constitutes attachment to an existing proximate water supply rather than an "extension" of the water system, which is prohibited by Goal 11, LUBA will remand the decision for Goal 11 findings. *DeShazer v. Columbia County*, 34 Or LUBA 416 (1998).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** That a proposed mine expansion might impact a water supply does not implicate Goal 11. *Sanders v. Yamhill County*, 34 Or LUBA 69 (1998).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** The county's finding that the same level of public facilities and services that will be available to the subject property is presently available to all the surrounding land is not helpful to a determination of compliance with Goals 11 and 14 where the finding does not explain whether or how the goals were applied to the surrounding properties. *Brown v. Jefferson County*, 33 Or LUBA 418 (1997).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** While Goal 11 requires that a local government "plan and develop a timely, orderly and efficient arrangement of public facilities," a local government need not provide an expedited process for public facilities and retains its ability to ensure the appropriate juxtaposition of land uses. *Western PCS, Inc. v. City of Lake Oswego*, 33 Or LUBA 369 (1997).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** The Goal 11 prohibition on extending sewer systems from inside urban growth boundaries to land outside those boundaries does not invalidate or prohibit a county requirement that all new subdivisions be connected to municipal sewer systems. *Gisler v. Deschutes County*, 33 Or LUBA 272 (1997).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Goal 11 prohibits justifying higher residential densities than would otherwise be permitted in a rural-residential zone on the basis that water service can be extended to serve the lots. *DeShazer v. Columbia County*, 31 Or LUBA 300 (1996).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** That a water district agrees to provide water service to the subject parcel, or that a water main extends to the boundaries of the parcel, does not establish that a proposed partition will not require the extension of a water system. *DeShazer v. Columbia County*, 31 Or LUBA 300 (1996).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** After the December 5, 1994 effective date of amendments to Statewide Planning Goal 11, local governments may not rely on acknowledged comprehensive plan or ordinance provisions to establish goal compliance if those provisions violate the Goal 11 amendments. *DeShazer v. Columbia County*, 31 Or LUBA 300 (1996).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Under Goal 11, county land use regulations may not rely upon the extension of a water system, where "extension" refers to either an extension of a water system beyond district boundaries or a connection of a water system to individual properties, to authorize a higher residential density than would be authorized without a water system. *DLCD v. Lincoln County*, 31 Or LUBA 240 (1996).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Under Goal 11, county land use regulations may not rely upon the prior and future establishment of a water system to authorize a higher residential density than would be authorized without a water system. *DLCD v. Lincoln County*, 31 Or LUBA 240 (1996).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Because OAR 660-22-070 applies only to "unincorporated communities," the schedule for compliance with Goal 11 amendments set forth in OAR 660-22-070 does not apply to property not within unincorporated communities. *DLCD v. Lincoln County*, 31 Or LUBA 240 (1996).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Where a local government redesignates and rezones what had previously been designated and zoned as agricultural or forestland, and applies a zoning district allowing residential development on existing lots much smaller than 10 acres, the local government must address compliance with Goals 11 and 14. *1000 Friends of Oregon v. Yamhill County*, 27 Or LUBA 508 (1994).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** ORS 197.175(2), Goals 11 and 14 and OAR Chapter 660, Division 11 provide authority for a city and county to adopt a comprehensive plan policy requiring that owners of unincorporated property within an urban growth boundary sign consents to annexation in order to receive sewer service. *Bear Creek Valley San. Auth. v. City of Medford*, 27 Or LUBA 328 (1994).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Where amendments to an exclusive farm use (EFU) zoning district do not change the maximum allowable density of nonfarm dwellings in PUDs, but may have the effect of increasing the numbers of, and circumstances in which, residential PUDs may be approved on EFU-zoned land, the county must consider these potential secondary effects of the amendments in determining whether the EFU zone, as amended, complies with Goals 11 and 14. *1000 Friends of Oregon v. Marion County*, 27 Or LUBA 303 (1994).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** The comprehensive plan provisions comprising a city's urban growth management program are clearly designed to implement Statewide Planning Goals 11 and 14. Therefore, a city errs in interpreting such

plan provisions to allow the extension of urban sewage treatment service outside an urban growth boundary. *DLCD v. City of Donald*, 27 Or LUBA 208 (1994).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Where the county plan and zone designations applied to certain rural property at the time of acknowledgment permit a level of activity that requires sewer service, a petitioner may not challenge proposed development allowed by the acknowledged plan and land use regulations on the basis that the allowed development violates Goals 11 and 14. *DLCD v. Fargo Interchange Service District*, 27 Or LUBA 150 (1994).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A comprehensive plan policy that "urban services shall only be established within recognized urban growth boundaries" implements Goals 11 and 14. Because Goals 11 and 14 prohibit the extension of urban level services outside of urban growth boundaries, LUBA will not defer to a local government interpretation of that plan policy as allowing extension of service from an urban sewage treatment plant to a rural area. ORS 197.829(4). *DLCD v. Fargo Interchange Service District*, 27 Or LUBA 150 (1994).