

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. A county cannot lawfully include resource lands within an urban unincorporated community unless that land remains planned and zoned for resource uses or the county takes an exception to Goals 3 and 4. *Oregon Shores Cons. Coalition v. Coos County*, 50 Or LUBA 444 (2005).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. That a comprehensive plan identifies only a portion rather than the entirety of the geographic extent of a proposed unincorporated community as a “rural community,” “service center,” “rural center,” “resort community” or similar term is not fatal, for purposes of OAR 660-022-0010(10)(b). As long as the proposed community indeed qualifies as an “unincorporated community” under OAR 660-022-0010(10), the geographic extent of the proposed community is determined under OAR 660-022-0020, which allows certain areas outside the community to be included within the community. *Oregon Shores Cons. Coalition v. Tillamook County*, 48 Or LUBA 423 (2005).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. OAR 660-022-0010(10)(b) embodies a policy choice that the universe of “unincorporated communities” is limited to settlements or communities of some kind that the local government has explicitly recognized in its comprehensive plan prior to October 28, 1994, or that are listed in the Department of Land Conservation and Development (DLCD) survey. If not listed in the DLCD survey, the comprehensive plan must describe the proposed community either by one of the terms listed in the rule or a similar term that suggests the county views the area as a community of some kind. *Oregon Shores Cons. Coalition v. Tillamook County*, 48 Or LUBA 423 (2005).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. A description of an industrial park in a comprehensive plan as an “industrial park” is not a “similar term” to “service center,” for purposes of establishing a new unincorporated community under OAR 660-022-0010, where nothing in the comprehensive plan suggests that the county viewed the industrial park as a community of some kind, and in adopting the comprehensive plan the county failed to list or discuss the industrial park in the plan element that addresses unincorporated communities. *Oregon Shores Cons. Coalition v. Tillamook County*, 48 Or LUBA 423 (2005).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. OAR 660-022-0010(8) defines a rural service center in part based on what uses on the property existed or predated October 28, 1994. Where the county fails to establish what current uses of the property existed on or predated October 28, 1994, it cannot determine whether the proposed community qualifies as a rural service center under the rule. *Oregon Shores Cons. Coalition v. Tillamook County*, 48 Or LUBA 423 (2005).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. The requirement in OAR 660-022-0010(8) that a rural service center consist “*primarily* of commercial or industrial uses providing goods and services to the surrounding rural area or persons traveling through the area” means that a *majority* of the subject property must consist of

qualifying commercial and industrial uses, and not other uses. *Oregon Shores Cons. Coalition v. Tillamook County*, 48 Or LUBA 423 (2005).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. Rural industrial uses that manufacture products and ship them to urban areas for retail sale do not provide “goods and services to the surrounding rural area or to persons traveling through the area,” for purposes of qualifying a community as a “rural service center” under OAR 660-022-0010(8). *Oregon Shores Cons. Coalition v. Tillamook County*, 48 Or LUBA 423 (2005).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. A county’s approval of a five-acre lot subdivision inside the UGB with a condition requiring that the applicant record CC&Rs that effectively prohibit further subdivision of those five-acre lots violates ORS 197.752. *Nez Perce Tribe v. Wallowa County*, 47 Or LUBA 419 (2004).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. The Court of Appeals has held that the “unneeded but committed” exception, that allows the inclusion of lands within an urban growth boundary (UGB) without demonstrating a “need” for additional land, is a valid method of amending a UGB, without regard to the Goal 14 “need” factors. *Milne v. City of Canby*, 46 Or LUBA 213 (2004).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. Neither Goal 10 nor Goal 14 require a finding of “demonstrated need” for additional residential land within the meaning of Goal 2, Part II or Goal 14, factors 1 and 2 before the city may amend its comprehensive plan map to allow property to be zoned for residential rather than industrial uses. *Holcombe v. City of Florence*, 45 Or LUBA 59 (2003).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. 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).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. A use permitted by statute on EFU land is not subject to the additional requirement that the use be rural or that an exception to Goal 14 be taken, even if the use is urban in nature. Where such a use is expressly permitted on EFU land, it is also implicitly permitted by statute on rural land zoned other than EFU. *Stallkamp v. City of King City*, 43 Or LUBA 333 (2002).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. Because a public park is permitted by statute on EFU land without requiring compliance with Goal 14 or an exception to that goal, it is also permitted on rural land zoned other than EFU without requiring compliance with Goal 14 or an exception, even if the park would primarily serve urban residents. *Stallkamp v. City of King City*, 43 Or LUBA 333 (2002).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. A residential subdivision that includes 136 lots on 680 acres does not undermine the integrity of a UGB, in violation of Goal 14, where the subdivision is located two and one-half miles from the UGB, the lots in the subdivision will not be served by public water or sewer systems and there is evidence that the potential buyers of the proposed lots have different characteristics than potential buyers of lots within the UGB. *DLCD v. Klamath County*, 42 Or LUBA 368.

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. The use of a state highway by commuters from a 136-lot subdivision, and the enrollment of children from that subdivision in city schools, do not impermissibly undermine the effectiveness of a UGB in contravention of Goal 14, where there is evidence that the highway and the school system will not be substantially impacted by the additional trips or by the number of students generated by the subdivision. *DLCD v. Klamath County*, 42 Or LUBA 368.

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. Nothing in Goal 14 expressly requires a county to analyze the potential impact of a proposed rezoning from non-resource to rural residential on similar property in the area or the cumulative impact of the potential rezonings and development in the area surrounding a UGB. *DLCD v. Klamath County*, 42 Or LUBA 368.

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. The housing needs projection required by the Goal 10 rule is the same housing needs analysis that is required by ORS 197.296(3) for conducting a review of an urban growth boundary. Because the Goal 10 rule requires that the housing needs projection must be “consistent with Goal 14 requirements,” the housing needs analysis under ORS 197.296(3) must be consistent with Goal 14 requirements. *DLCD v. City of McMinnville*, 41 Or LUBA 210 (2001).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. LCDC’s choice to adopt rules that require the housing needs analysis required by ORS 197.296(3) to be “consistent with Goal 14 requirements” is essentially a choice to require that, where the analysis identifies a significant deficit in the supply of buildable land within the UGB, the city must complete the statutory process at ORS 197.296(4) through (7) and adopt one or more of the actions described in the statute to remedy the identified deficit. Because the statute and rule prescribe an iterative process highly integrated with Goal 14, the city cannot achieve finality with respect to the housing needs analysis under ORS 197.296(3) without also taking action under ORS 197.296(4) through (7). *DLCD v. City of McMinnville*, 41 Or LUBA 210 (2001).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. LCDC’s 1985 acknowledgement of a county’s rural residential zone has the legal effect of establishing that the rural residential zoning district *may* be applied consistent with Goal 14 to rural lands outside a UGB. However, the 1985 acknowledgment does not have the legal effect of establishing that *all* future applications of the zoning district to particular properties, no matter what the circumstances, will necessarily comply with Goal 14. *DLCD v. Klamath County*, 40 Or LUBA 221 (2001).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. A finding that Goal 14 is satisfied because the provision of community sewer or water systems would be economically infeasible does not establish that such systems will not be constructed, where it is possible that an application for clustered residential development may make such community services economically feasible and the county did not adopt conditions of approval or other mechanisms to prohibit the establishment of community sewer or water systems. *DLCD v. Klamath County*, 40 Or LUBA 22 (2001).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. Where a local government decision does not incorporate a new city but erroneously applies LCDC's rules concerning incorporation of new cities in the course of taking an exception to Goal 14, the error is harmless and provides no basis for reversal or remand. *James v. Josephine County*, 35 Or LUBA 493 (1999).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. A proposal to redesignate urban land within city limits to allow for other urban uses does not implicate Goal 14's requirements regarding conversion of urbanizable land to urban uses. *Citizens for Florence v. City of Florence*, 35 Or LUBA 255 (1998).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. Goal 14 does not apply to property within a city's limits, and therefore a city's conclusory finding of compliance with Goal 14 is harmless error. *Larvik v. City of La Grande*, 34 Or LUBA 467 (1998).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. The term "public facilities," as it is used in Goal 14, includes transportation facilities. *Concerned Citizens v. Jackson County*, 33 Or LUBA 70 (1997).

18.1 Goal 14 – Urbanization/ Goal 14 Rule – Generally. 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).