

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A county errs in approving the expansion of an urban growth boundary under the first Goal 14 land-need factor by relying on population forecasts referenced in a 1999 conditional use permit approval, instead of the 20-year population forecast as determined under OAR chapter 660, division 32, as required by OAR 660-024-0040(1). *Central Oregon Landwatch v. Jefferson County*, LUBA No 2021-054 (Oct 6, 2021).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A county errs in concluding that there is a “demonstrated need” under Goal 14 to expand the urban growth boundary to include an existing city wastewater treatment plant, with effluent irrigation fields, that have operated outside the city under a conditional use permit for 17 years, where the findings and record do not indicate any need for expansion or upgrades to the facility that would establish a need for the UGB expansion. *Central Oregon Landwatch v. Jefferson County*, LUBA No 2021-054 (Oct 6, 2021).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. OAR 660-024-0050(7), which requires that land included within an urban growth boundary must be planned and zoned for the intended use, is not met where a county approves expansion of a city UGB to include an existing city wastewater treatment facility operating under a county conditional use permit, but fails to condition the expansion on the city’s adoption of planning and zoning for the facility, or otherwise ensure that the city will apply appropriate plan and zoning designations to the expansion area. *Central Oregon Landwatch v. Jefferson County*, LUBA No 2021-054 (Oct 6, 2021).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. In order to add land to a UGB, there must be a demonstrated need for land under the first Goal 14 need factor. Goal 14 prohibits a city from amending its UGB if the UGB has adequate capacity to satisfy the city’s urban land needs for the next 20 years, and a city decision that approves a UGB amendment where the undisputed evidence in the record was that the city’s UGB has adequate capacity to satisfy the city’s urban land needs for the next 20 years must be reversed as prohibited by law. *DLCD v. City of Klamath Falls*, 80 Or LUBA 180 (2019).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Pursuant to OAR 660-032-0040(1)(b), for purposes of projecting land need during the interim period before Portland State University Population Research Center (PRC) forecasts are available, a local government must use a population forecast that was “acknowledged prior to the effective date of” OAR 660-032-0040—March 25, 2015. Because OAR 660-032-0040(1)(b) took effect March 25, 2015, a local government may not use a February 2016 population forecast because that forecast was not acknowledged prior to March 25, 2015. *Deumling v. City of Salem*, 76 Or LUBA 99 (2017).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. OAR 660-024-0050(6) requires that when land is added to an urban growth boundary (UGB), the local government “must assign appropriate urban plan designations to the added land, consistent with the need determination and the requirements of section (7) of this rule, if applicable.” OAR 660-024-0050(7) provides lands included with a UGB for a public facility “must be planned and zoned for the intended use and must remain planned and zoned for that use unless the city removes the land from the UGB.” A city decision to retain the land’s existing Exclusive Farm Use zoning until the land is annexed into the city is inconsistent with the OAR 660-024-0050(7) requirement to adopt

concurrent plan and zone re-designation “for [that] intended use.” *Deumling v. City of Salem*, 76 Or LUBA 99 (2017).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where a petitioner argues a Geographic Information System map in the record suggests that a portion of the Willamette River Greenway included in a city’s Goal 15 exception is located outside the city limits, but within county limits, and therefore the county is also required to join in or approve its own Goal 15 exception, petitioner fails to allege a basis for remand or reversal because as a matter of law the official Willamette River Greenway overlay zone boundary is the boundary mapped by the Oregon Department of Transportation, which confirms the greenway overlay zone is entirely within city limits. *Deumling v. City of Salem*, 76 Or LUBA 99 (2017).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. In *Residents of Rosemont v. Metro*, 173 Or App 321, 21 P3d 1108 (2001), the Court of Appeals concluded that under Goal 14 (effective 10/04/00), Metro could identify a subregional (*i.e.*, geographically localized) need for housing, but when considering alternatives to amending the UGB to meet that subregional housing need, Metro could not limit its consideration to lands within the subregion. That broader geographic consideration of alternatives applies both to alternative sites inside the UGB, and to alternative sites outside the UGB subject to the priorities set out in ORS 197.298 and the Goal 14 locational factors, if a UGB amendment is required to meet the identified need. In this way, *Residents of Rosemont* distinguishes between subregional need and subregional analyses of alternatives. *DLCD v. City of Klamath Falls*, 76 Or LUBA 130 (2017).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. In *City of West Linn v. LCDC*, 200 Or App 269, 113 P3d 935, *rev den*, 339 Or 609 (2005), and *Residents of Rosemont v. Metro*, 173 Or App 321, 21 P3d 1108 (2001), the Court of Appeals clarified that pursuant to Goal 14 (effective 10/04/00), Metro can identify a subregional need for housing, and that the Department of Land and Conservation and Development’s rules to that effect were not inconsistent with Goal 14. But the Court of Appeals held that the part of the rules that authorized Metro to limit its consideration of alternatives (both inside the UGB and outside the UGB) for satisfying that subregional housing need to lands within or near the subregion, was inconsistent with Goal 14. *DLCD v. City of Klamath Falls*, 76 Or LUBA 130 (2017).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. In *City of West Linn v. LCDC*, 200 Or App 269, 113 P3d 935, *rev den*, 339 Or 609 (2005), and *Residents of Rosemont v. Metro*, 173 Or App 321, 21 P3d 1108 (2001), the Court of Appeals determined the subregional need which can be identified under Goal 14 (effective 10/04/00), is a subregional need for *housing*, as opposed to a subregional need for a *specified number of acres for development of housing that must be located within that subregion*. Accordingly, Metro may not assume that a subregional need for housing can only be satisfied by constructing housing on land that is physically located within that subregion. Rather, according to Goal 14, Metro may consider *proximity* in determining whether an alternative site is a suitable alternative, as opposed to simply eliminating alternative sites if they are not located in the subregion. *DLCD v. City of Klamath Falls*, 76 Or LUBA 130 (2017).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A local government complies with Goal 14 (effective 04/28/06), and OAR 661-024-0050(4) (effective 04/16/09), where it first demonstrates that the need cannot reasonably be accommodated on land already inside the UGB. Only if land within the UGB cannot reasonably accommodate the identified need would the local government proceed to consider sites outside the UGB to satisfy the identified need. *DLCD v. City of Klamath Falls*, 76 Or LUBA 130 (2017).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Goal 14 and OAR 660-024-0060(5) allow local governments to specify “size, topography or proximity” as site suitability characteristics and to limit consideration of alternative sites to land that has the specified characteristics. But OAR 660-024-0060(5) does not provide local governments with authority to geographically limit the scope of the required alternatives analysis to “subregions,” a practice that was invalidated by *Residents of Rosemont v. Metro*, 173 Or App 321, 21 P3d 1108 (2001), and *City of West Linn v. LCDC*, 200 Or App 269, 113 P3d 935, *rev den*, 339 Or 609 (2005). *DLCD v. City of Klamath Falls*, 76 Or LUBA 130 (2017).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. It is one thing to say the alternative sites for meeting an identified short-term subregional need for jobs or shopping opportunities must be located within a specified “proximity” of the shoppers and potential employees that generate the identified need or that alternative sites for meeting that need must be within some stated “proximity” of necessary or supporting improvements. But it is quite another thing to say that the short-term, subregional need for jobs and shopping opportunities can only be satisfied on lands that are located within the subregion. The most obvious flaw in that latter reasoning is that for some of those subregional shoppers and potential employees near the boundaries of the subregion, lands in adjoining subregions will be closer (more proximate) than at least some of the more distant lands inside the subregion. *DLCD v. City of Klamath Falls*, 76 Or LUBA 130 (2017).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A site suitability characteristic that property must be 22 acres in size to allow development of a “Lifestyle Center” is not appropriate under Goal 14 and OAR 660-024-0060(5), where the city fails to explain why a general subregional need for between 27 and 37.9 acres of land for commercial development must be satisfied by the “Lifestyle Center” proposed by the UGB amendment applicant on a single 22-acre site. *DLCD v. City of Klamath Falls*, 76 Or LUBA 130 (2017).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Goal 14 and OAR 660-024-0060(5) do not permit use of a site suitability characteristic to reject alternative sites if those sites cannot be developed at a cost that is commensurate with the cost of developing a Lifestyle Center on a site owned by the UGB amendment applicant or simply because those alternative sites face development constraints. The correct inquiry is whether alternative sites “cannot reasonably * * * accommodate[]” the identified need. *DLCD v. City of Klamath Falls*, 76 Or LUBA 130 (2017).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Whether property is “available for purchase” is not a valid site suitability characteristic to be used to eliminate alternative sites that are already within the Urban Growth Boundary (UGB) from consideration, when determining whether a UGB amendment is necessary to add land to the UGB. Requiring

sites to be currently available for purchase sets too low a threshold, impermissibly narrows the statutory, goal and rule alternatives analysis, and is not authorized pursuant to Goal 14 and OAR 660-024-0060(5). *DLCD v. City of Klamath Falls*, 76 Or LUBA 130 (2017).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A city improperly rejected alternative sites already within the Urban Growth Boundary (UGB) pursuant to the Goal 14 and OAR 660-024-0060(5) alternatives analysis for determining whether a UGB amendment is necessary, when it rejected some sites because they were not already zoned commercial but the site the city ultimately selected was also not currently zoned commercial. *DLCD v. City of Klamath Falls*, 76 Or LUBA 130 (2017).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Although OAR 660-024-0060(5) grants authority to local governments to consider “proximity” as a required alternative site characteristic when considering alternative sites under Goal 14 and OAR 660-024-0060(5) for a potential amendment to the Urban Growth Boundary (UGB), a city may not divide the city into four subregions and eliminate any requirement to consider alternative sites inside or outside the UGB for meeting identified subregional needs simply because those alternative sites are not located within the subregion. *DLCD v. City of Klamath Falls*, 76 Or LUBA 130 (2017).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. LUBA will not adopt a categorical rule that a lack of 20-year need within a city’s Urban Growth Boundary (UGB) under Goal 14, need factor 1 precludes a UGB amendment to correct a short-term subregional need. *DLCD v. City of Klamath Falls*, 76 Or LUBA 130 (2017).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Under ORS 197.298(3), lower priority land can be included in the UGB instead of higher priority land, where the higher priority land “is found to be inadequate to accommodate the amount of land” needed based on any of three reasons. Those three reasons are: (1) “specific types of identified land needs cannot be reasonably accommodated on higher priority lands,” (2) “[f]uture urban services could not reasonably be provided to higher priority land due to topographical or other physical constraints,” or (3) “[m]aximum efficiencies of land uses within a proposed [UGB] requires inclusion of lower priority land in order to include or provide services to higher priority land.” *Land Watch of Lane County v. Lane County*, 74 Or LUBA 76 (2016).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. In *1000 Friends of Oregon v. LCDC*, 244 Or App 239, 259 P3d 1021 (2011) (*McMinnville*), the Court of Appeals went through a lengthy analysis of the interaction between ORS 197.298 and Goal 14 and explained that under ORS 197.298 and Goal 14, UGB amendments require a three-step process. *Land Watch of Lane County v. Lane County*, 74 Or LUBA 76 (2016).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Under ORS 197.298 the exception lands that are high priority lands for UGB amendments must be “adjacent” to a UGB. But given the ORS 660-024-0060(4) definition of “adjacent lands” which includes “land within the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency,” a county errs by ruling out high priority exception lands simply because they are separated by short

distances from the UGB or other adjacent exception lands. *Land Watch of Lane County v. Lane County*, 74 Or LUBA 76 (2016).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Absent an identified need for residential land with particular parcel sizes, a county may not exclude exception lands as inadequate to meet identified urban land needs simply because they are parcelized. Parcel size is one of the factors that can be relied on to justify an irrevocably committed exception in the first place under 660-004-0028(6)(c). *Land Watch of Lane County v. Lane County*, 74 Or LUBA 76 (2016).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Excluding candidate exception lands based on incompatibility between existing agricultural operations on nearby lands and the proposed residential development of lands to be added to the UGB must identify those agricultural practices and explain why any incompatibility justifies deviating from the ORS 197.298(1) priority scheme. Where all candidate lands for UGB expansion adjoin farm lands, there will be some level of conflict no matter which lands are selected. *Land Watch of Lane County v. Lane County*, 74 Or LUBA 76 (2016).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. It would be appropriate under Step 3 of *1000 Friends of Oregon v. LCDC*, 244 Or App 239, 259 P3d 1021 (2011) (*McMinnville*), to apply comprehensive plan urban form policies to select among the available and suitable exception lands to add to the UGB. But it is not appropriate to apply comprehensive plan urban form policies under Step 2 of *McMinnville* to rule out exception lands as inadequate. *Land Watch of Lane County v. Lane County*, 74 Or LUBA 76 (2016).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. It is possible that circumstances on higher priority irrevocably committed lands could pose such challenges to development of multi-family housing that a local government could find and justify a decision that multi-family housing cannot “be reasonably accommodated” on such exception lands, within the meaning of ORS 197.298(3)(a). But generalized concerns about parcelization of such irrevocably committed lands complicating site acquisition or property owner opposition to multi-family housing fall far short of making the demonstration required under ORS 197.298(3)(a) that “specific types of identified land needs cannot be reasonably accommodated on higher priority lands.” *Land Watch of Lane County v. Lane County*, 74 Or LUBA 76 (2016).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. The OAR 660-024-0040(9)(a) safe harbor permits local government to “estimate that the current number of jobs in the urban area” will grow at a rate based on “the most recent forecast published by the Oregon Employment Department.” A county errs by amending its UGB in 2015, based on OAR 660-024-0040(9)(a), but using the pre-2008 recession number of jobs rather than the 2015 number of jobs. *Land Watch of Lane County v. Lane County*, 74 Or LUBA 76 (2016).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. The OAR 660-024-0040(9)(a) safe harbor does not preclude taking into account additional demand for employment land that may be generated by regional forces that may have little or nothing to do with a city’s

population growth. The Goal 9 rule, OAR 660-009-0015 (1) and (2), expressly permits such considerations. *Land Watch of Lane County v. Lane County*, 74 Or LUBA 76 (2016).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Petitioner has the burden of demonstrating error in the decision on appeal. Where LUBA cannot understand either petitioner’s or respondent’s arguments on a subassignment of error, LUBA will deny the subassignment of error. *Land Watch of Lane County v. Lane County*, 74 Or LUBA 76 (2016).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Under Goal 14, OAR 660-024-0030(1) and 660-024-0040(1), urban growth boundary amendments must be consistent with the city’s 20-year population projections, which in turn must be consistent with the county’s population projection for the county and urban areas within the county. For purposes of urban growth boundary amendments, both the county’s and the city’s population projections must be “included in the comprehensive plan or in a document referenced by the plan.” *Hawksworth v. City of Roseburg*, 64 Or LUBA 171 (2011).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Although it may be likely that an urban growth boundary that was adopted to include a 20-year supply of buildable land no longer has a 20-year supply of buildable land 30 years later, a city must first amend its comprehensive plan to include an updated population projection, before amending its urban growth boundary based on the updated population projections rather than the old population projections in its comprehensive plan. *Hawksworth v. City of Roseburg*, 64 Or LUBA 171 (2011).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. The safe harbor established by OAR 660-024-0040(9)(a) is only available to local governments when addressing the requirements of Goal 9, OAR chapter 660, division 9, Goal 14 and, if applicable, ORS 197.296, when determining its employment needs for purposes of a UGB amendment under OAR chapter 660, division 24. As OAR chapter 660, division 24 is now written, the OAR 660-024-0040(9)(a) safe harbor is simply not available for decisions that adopt or amend economic opportunities analyses, without also amending a UGB. *Friends of Yamhill County v. City of Newberg*, 62 Or LUBA 5 (2010).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. In relying on the OAR 660-024-0040(9)(a) safe harbor in amending an economic opportunities analysis to estimate employment growth, the Oregon Employment Department job growth projection rate authorized by OAR 660-024-0040(9)(a)(A) and the coordinated population forecast projection rate authorized by OAR 660-024-0040(9)(a)(B) are mutually exclusive alternatives. A local government must select one or the other and may not switch back and forth between those two projection methodologies in projecting employment growth, if the local government is seeking the protection of the OAR 660-024-0040(9)(a) safe harbor. *Friends of Yamhill County v. City of Newberg*, 62 Or LUBA 5 (2010).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where a city’s stated rationale for its 20-year employment projections in its economic opportunities analysis is the OAR 660-024-0040(9)(a) safe harbor, the city may not adopt an alternative legal rationale for the 20-

year employment projections for the first time in its brief at LUBA. *Friends of Yamhill County v. City of Newberg*, 62 Or LUBA 5 (2010).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. OAR 660-024-0040(4) requires a city that is amending its urban growth boundary to use “the adopted 20-year coordinated population forecast for the urban area” that has been adopted by the county in which the city is located according to the procedures set out in ORS 195.025 and 195.036. *Friends of Yamhill County v. City of Newberg*, 62 Or LUBA 211 (2010).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. DLCD’s Goal 14 rule was amended in 2007 to require that the coordinated population projections required by ORS 195.025 and 195.036 must be “developed using commonly accepted practices and standards for population forecasting” and “based on current, reliable and objective sources and verifiable factual information, such as the most recent long-range forecast for the county published by the Oregon Office of Economic Analysis (OEA). OAR 660-024-0030. A county may not simply rely on county population projections that were found to be valid when they were adopted in 1998 to adopt updated population projections in 2009. While the county is not required to use the OEA long range forecast, it must conduct a review of its 1998 assumptions to determine whether they remain reliable in light of actual population growth and the OEA forecast. *Meyer v. Douglas County*, 61 Or LUBA 412 (2010).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. DLCD’s Goal 14 rule was amended in 2007 to require that the coordinated population projections required by ORS 195.025 and 195.036 must be “developed using commonly accepted practices and standards for population forecasting” and “based on current, reliable and objective sources and verifiable factual information, such as the most recent long-range forecast for the county published by the Oregon Office of Economic Analysis (OEA).” OAR 660-024-0030. If in adopting a coordinated population projection under ORS 195.025 and 195.036 a county relies on a city’s undocumented preference for a particular growth rate, the county forecast is not supported by an adequate factual base. *Meyer v. Douglas County*, 61 Or LUBA 412 (2010).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. DLCD’s Goal 14 rule was amended in 2007 to require that the coordinated population projections required by ORS 195.025 and 195.036 must be “developed using commonly accepted practices and standards for population forecasting” and “based on current, reliable and objective sources and verifiable factual information, such as the most recent long-range forecast for the county published by the Oregon Office of Economic Analysis (OEA).” OAR 660-024-0030. A county decision to apply its assumed population growth rate for unincorporated areas of the county to the unincorporated areas of the county located inside urban growth boundaries is not supported by an adequate factual base where there is no explanation for why that assumption is reasonable for urban areas around cities that project a much lower population growth rate. *Meyer v. Douglas County*, 61 Or LUBA 412 (2010).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Under ORS 197.825(2)(c)(A), LUBA does not have initial jurisdiction to review a decision by a city with a population over 2,500 to amend its urban growth boundary to add more than 50 acres of land where that decision is submitted to the Department of Land Conservation and Development (DLCD) for

review under ORS 197.626. LUBA may later acquire jurisdiction over certain matters addressed in the decision if the director of DLCDC transfers those matters to LUBA. *Swalley Irrigation District v. City of Bend*, 59 Or LUBA 52 (2009).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where a county adopts an ordinance that amends its comprehensive plan map in conjunction with a city’s urban growth boundary (UGB) amendment, and the county’s ordinance is submitted in conjunction with the city’s UGB amendment to the Department of Land Conservation and Development for review, under ORS 197.825(2)(c)(A), LUBA does not have jurisdiction to review the county’s decision. *Swalley Irrigation District v. Deschutes County*, 59 Or LUBA 192 (2009).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where it is not clear from the record whether a county-adopted 20-year population forecast is the forecast for an urban area or merely for a city within the county, a city is not entitled to rely on the safe harbor provision at ORS 195.034(1) to extend the county’s current forecast to a 20-year period using the same growth trend as assumed by the county in its adopted population forecast. *Sane Orderly Development v. City of Roseburg*, 59 Or LUBA 356 (2009).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A Metro regional plan provision that requires the Metro Chief Operating Office to conform Metro’s maps to the comprehensive plan mapping that local governments adopt after Metro adds land to the urban growth boundary suggests that local governments have some authority to deviate from Metro’s map designations for the property that is added to the urban growth boundary when they first applies their comprehensive plan map to that property. *Graser-Lindsey v. City of Oregon City*, 59 Or LUBA 388 (2009).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A Metro decision to amend the urban growth boundary to include 308 acres for Industrial development that was based on an assumption that only 120 acres of the 308 acres would be developed for Industrial use likely would provide a basis for the local government to plan all but 120 acres of the 308 acres for non-industrial uses. But where the 120 acres the local government designates for industrial uses include acres that were already within the UGB, the local government’s comprehensive plan mapping is inconsistent with Metro’s map designation for the 308 acres. *Graser-Lindsey v. City of Oregon City*, 59 Or LUBA 388 (2009).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where Metro has designated 308 acres for industrial development, a city decision to plan only 120 of those acres for industrial development based on a finding that Metro only intended 120 acres to be developed industrially must be remanded where the record does not include substantial evidence that Metro only intended 120 of the 308 acres to be developed industrially. *Graser-Lindsey v. City of Oregon City*, 59 Or LUBA 388 (2009).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A decision to add land to a UGB to attract a particular type of employer cannot be totally divorced from the population projections and job growth estimates required by OAR 660-024-0040(1) and (5). *Friends of French Prairie v. Marion County*, 58 Or LUBA 387 (2009).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. The locational factors of Goal 14 are not separate approval criteria and only require a comparison of alternate sites and consideration of which alternatives will be more compatible with farm and forest uses. The locational factors do not require that UGB expansion areas must in all cases be compatible with farm and forest uses. *Friends of French Prairie v. Marion County*, 58 Or LUBA 387 (2009).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where the record shows that a local government initiated a UGB amendment prior to April 5, 2007 by notifying DLCD of the proposed amendment, OAR 660-024-0000(3)(b) allows the local government to choose to not apply OAR Chapter 660, Division 24 to the UGB amendment. *Sommer v. City of Grants Pass*, 55 Or LUBA 400 (2007).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. OAR 660-024-0060(2) specifically allows UGB amendments that add less than the total amount of land that has been identified as needed, if that UGB amendment is adopted following a post-acknowledgement plan amendment process pursuant to ORS 197.610 to 197.625 outside of periodic review or a legislative review. *Sommer v. City of Grants Pass*, 55 Or LUBA 400 (2007).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where a local government finds that there is a lack of evidence that vacant buildable lands inside an urban growth boundary are available for development, the local government impermissibly avoids the burden placed on it by Goal 14 and the applicable administrative rules to demonstrate that additional land is needed inside the urban growth boundary for urban development. *Hildenbrand v. City of Adair Village*, 54 Or LUBA 734 (2007).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. It is appropriate for a local government to rely on assumptions included in the city’s acknowledged comprehensive plan policies in computing the acreage needed for an urban growth boundary expansion. *Hildenbrand v. City of Adair Village*, 54 Or LUBA 734 (2007).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A local government does not err in allowing resource land to be included in an urban growth boundary where existing exception lands located adjacent to the urban growth boundary are inadequate due to the high cost of extending services to that exception land and the location of the exception lands across a major highway. *Hildenbrand v. City of Adair Village*, 54 Or LUBA 734 (2007).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. An urban growth boundary (UGB) amendment that purports to include within the UGB a 90-acre area that was included inside the UGB by an earlier ordinance does not add the 90-acre area to the UGB. In that circumstance, even if LUBA were to reverse the second ordinance, the 90 acres would still be located within the UGB. *City of Sandy v. Metro*, 48 Or LUBA 363 (2005).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. 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).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. When a local government decides that lands are committed to urban uses under the “unneeded but committed” exception, it need not demonstrate that each of the five “locational factors” of Goal 14 is independently satisfied. The local government must demonstrate that, considering all of the “locational factors,” the overall picture shows commitment. *Milne v. City of Canby*, 46 Or LUBA 213 (2004).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where an urban growth boundary amendment is not based upon a showing of need, as under the “unneeded but committed” exception, the ORS 197.298 priority system for including land within the urban growth boundary does not apply to the decision. *Milne v. City of Canby*, 46 Or LUBA 213 (2004).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. When a local government demonstrates that land may be included in an urban growth boundary under OAR 660-004-0010(1)(c)(B)(i) by demonstrating compliance with the seven factors of Goal 14, the local government need not take exceptions to other goals individually. *Milne v. City of Canby*, 46 Or LUBA 213 (2004).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Although OAR 661-004-0010(1)(c)(B)(i) nominally requires a local government to apply all seven of the Goal 14 factors, when the local government is proceeding under the “unneeded but committed” exception, the two “need” factors of Goal 14 need not be addressed. *Milne v. City of Canby*, 46 Or LUBA 213 (2004).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. When a local government amends its urban growth boundary under the “unneeded but committed” exception it demonstrates that the land is committed to urban uses under the five “locational factors” of Goal 14. The local government need not adopt an irrevocably committed exception under OAR 660-004-0028. *Milne v. City of Canby*, 46 Or LUBA 213 (2004).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Given that ORS 197.299 requires Metro to review the supply of residential land within the Metro UGB at least every five years, Metro is not obligated to provide a quasi-judicial UGB amendment process, in addition to a legislative process, to ensure that the Metro UGB as a whole maintains an adequate supply of residential land. *Homebuilders Assoc. v. Metro*, 42 Or LUBA 176 (2002).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. While the courts have held that Metro can consider housing need on a subregional basis, at least in some circumstances, no legislation compels Metro to do so, or prohibits Metro from relying exclusively on legislative reviews of the entire regional UGB to ensure compliance with Goals 10 and 14. *Homebuilders Assoc. v. Metro*, 42 Or LUBA 176 (2002).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. The speculative possibility that a subregional housing shortage will arise in the interim between the five-year UGB reviews required by ORS 197.299, and that Metro will decline to initiate a legislative proceeding to address

that interim shortage, is an insufficient basis to establish that a quasi-judicial UGB amendment process is essential to ensure continued compliance with Goals 10 and 14. *Homebuilders Assoc. v. Metro*, 42 Or LUBA 176 (2002).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Petitioner’s argument that land formerly within a city’s urban growth boundary is necessarily subject to an exception to Goal 3 provides no basis for remand where it is not clear that the property was subject to a Goal 3 exception when included in the UGB and, even if it was, petitioner does not explain why removal of the property from the UGB would leave the property subject to a Goal 3 exception as a matter of law. *Manning v. Marion County*, 42 Or LUBA 56 (2002).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. An applicant has not demonstrated that a property is committed to urban uses in order to justify an expansion of a UGB to include the property where the property (1) is currently vacant; is not presently served by community water or sewer systems; and (3) is bordered on three side by parcels zoned EFU. *Friends of Linn County v. Linn County*, 41 Or LUBA 342 (2002).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A desire to include land within a UGB to provide a more logical dividing line between urban uses and rural uses and to bring parkland and transportation links within the city’s general planning control is insufficient to demonstrate that there is a need to expand the UGB to address livability under Goal 14, factor 2. *Friends of Linn County v. Linn County*, 41 Or LUBA 342 (2002).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where a city has adopted a buildable lands inventory that concludes that there is a 98-acre surplus of land within the UGB that is available for park and residential needs, and a decision to expand a UGB to include land to be used for residential and park lands does not address why lands within the UGB are inadequate to accommodate parks and housing, the decision to expand the UGB fails to adequately address Goal 14, factor 4. *Friends of Linn County v. Linn County*, 41 Or LUBA 342 (2002).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A county finding that concludes that property containing Class II through IV soils may be included in the UGB because the present owner of a portion of the property does not intend to farm his parcel and other residential neighbors are opposed to farm activities that generate dust does not properly address the inquiry presented by Goal 14, factor 6. *Friends of Linn County v. Linn County*, 41 Or LUBA 342 (2002).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where a county finding concludes that a proposed UGB expansion is consistent with Goal 14, factor 7 because it will result in greater compatibility between residential and adjacent agricultural uses, but fails to consider and compare the compatibility of alternative sites with agricultural uses, the finding is inadequate to address Goal 14, factor 7. *Friends of Linn County v. Linn County*, 41 Or LUBA 342 (2002).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where the local government’s Goal 14, factor 1 and 2 findings rely on two separate methods to determine the need for industrial land, a petitioner’s challenge to the evidentiary sufficiency of one method does not

provide a basis for remand, where petitioner fails to challenge the other method. *Alliance for Responsible Land Use v. Deschutes Cty.*, 40 Or LUBA 304 (2001).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Sustainable findings under the seven Goal 14 factors state a legally sufficient “reason” justifying why the state policy embodied in Goal 14 should not apply, for purposes of adopting the exception necessary to include resource land within a UGB under OAR 660-004-0010(1)(c)(B)(i). *Alliance for Responsible Land Use v. Deschutes Cty.*, 40 Or LUBA 304 (2001).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. To demonstrate reversible error in a local government’s Goal 14 findings, a petitioner must demonstrate that the local government misapplied the pertinent factors or reached key conclusions that are not supported by substantial evidence, in a manner that shows legal error or insufficiency in the local government’s ultimate conclusion that the subject property is the “best” land to include in the UGB, considering and balancing each factor. *Alliance for Responsible Land Use v. Deschutes Cty.*, 40 Or LUBA 304 (2001).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Evidence that an alternative site zoned for residential use is needed to satisfy a shortfall in residential lands, and is adjacent to high-density residential development, is sufficient to demonstrate that the alternative site cannot “reasonably accommodate” a proposed need for industrial land, for purposes of OAR 660-004-0010(1)(c)(B)(ii). *Alliance for Responsible Land Use v. Deschutes Cty.*, 40 Or LUBA 304 (2001).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Land owned by the federal government and not subject to local zoning and planning need not be considered as an alternative site to proposed industrial development on resource land, for purposes of OAR 660-004-0010(1)(c)(B)(ii). The rule does not require the local government to consider the speculative possibility that federal land might someday be exchanged or otherwise become subject to the local government’s zoning and planning jurisdiction. *Alliance for Responsible Land Use v. Deschutes Cty.*, 40 Or LUBA 304 (2001).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Evidence that an alternative site (1) is needed to satisfy a city’s identified need for future residential lands, is surrounded by residential uses, (3) does not have adequate access for industrial uses, and (4) is located far from existing industrial uses, is sufficient to demonstrate that the alternative site cannot “reasonably accommodate” an identified need for industrial land, for purposes of OAR 660-004-0010(1)(c)(B)(ii). *Alliance for Responsible Land Use v. Deschutes Cty.*, 40 Or LUBA 304 (2001).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Findings that other resource lands that are potential candidates for inclusion in the UGB are better or more productive resource lands than the subject property, and therefore the environmental, social, energy, and economic (ESEE) consequences of urbanizing other resource lands would be more adverse than urbanizing the subject property, are adequate for purposes of OAR 660-004-0010(1)(c)(B)(iii). Such findings need not specifically identify and discuss each ESEE consequence with respect to each alternative site, absent issues raised below that would require more detailed discussion. *Alliance for Responsible Land Use v. Deschutes Cty.*, 40 Or LUBA 304 (2001).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. It is not inconsistent for findings to reject alternative sites under OAR 660-004-0010(1)(c)(B)(ii) because proposed industrial uses would conflict with surrounding high-density residential uses, while concluding under OAR 660-004-0010(1)(c)(B)(iv) that, as limited by conditions of approval, industrial use of the subject property is compatible with rural residential uses that border the subject property on one side. *Alliance for Responsible Land Use v. Deschutes Cty.*, 40 Or LUBA 304 (2001).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. The requirement that a proposed development of resource land be compatible with adjacent uses under OAR 660-004-0010(1)(c)(B)(iv) does not require that all conflicts or adverse impacts be eliminated. *Alliance for Responsible Land Use v. Deschutes Cty.*, 40 Or LUBA 304 (2001).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Any error in failing to comply with code provisions for amending the Metro UGB is harmless, where the pertinent code provisions are not based on statute, goal or rule; the provisions have been superseded by new standards that would apply on remand; and it is undisputed that the decision does not violate the new standards. *Citizens Against Irresponsible Growth v. Metro*, 39 Or LUBA 539 (2001).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Goal 14, factor 3 is one of several factors that must be considered and balanced, not an isolated criterion that establishes a threshold for including land within a UGB. *Citizens Against Irresponsible Growth v. Metro*, 39 Or LUBA 539 (2001).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. The focus of Goal 14, factor 3 is the comparative cost and feasibility of providing urban services and facilities among lands considered for inclusion within the UGB, and determining which of the alternatives is most consistent with the orderly and economic provision of public facilities and services. The focus of factor 3 is not on determining whether existing facilities are adequate or can be made adequate. *Citizens Against Irresponsible Growth v. Metro*, 39 Or LUBA 539 (2001).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. The transportation planning rule does not apply to the amendment of the Metro UGB where the amendment only converts rural land to urbanizable land, and does not alter the types or intensity of allowed land uses, reduce the performance standards of transportation facilities, or otherwise “significantly affect” a transportation facility within the meaning of OAR 660-012-0060. *Citizens Against Irresponsible Growth v. Metro*, 39 Or LUBA 539 (2001).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. The impracticability standard of the Metro Code (MC) for locational amendments to the Urban Growth Boundary (UGB) performs a limited version of the functional role that Goal 14, factor 6, and Goal 2, Part II(c)(2), play in the context of more comprehensive UGB amendments: ensuring that agricultural land is included in the UGB only when nonagricultural lands cannot reasonably accommodate the proposed use. Because the MC must be consistent with Goals 2 and 14, the decision is not entitled to deference under ORS 197.829(1). *Malinowski Farm v. Metro*, 38 Or LUBA 633 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. “Practicable” has two distinct connotations: (1) technical possibility; and (2) prudential balancing of costs and other relevant considerations. An alternative is impracticable where it is either technically infeasible or, based on all relevant considerations, including consideration of cost, it would not be a feasible alternative. *Malinowski Farm v. Metro*, 38 Or LUBA 633 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Evidence that alternatives to a preferred option require a sewer connection to a different drainage basin, a pump station contrary to applicable regulations and the removal of mature trees, and that they are significantly more expensive, demonstrates that the alternatives are impracticable. *Malinowski Farm v. Metro*, 38 Or LUBA 633 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. An identification of a need for additional lands under Goal 14, factors 1 and 2, is to be an essential predicate for application of the ORS 197.298 priorities. Where a proposed urban growth boundary amendment is not based upon a demonstration of need, but rather upon locational considerations, ORS 197.298 is not applicable. *Malinowski Farm v. Metro*, 38 Or LUBA 633 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Goal 14, factors 1 and 2, must both be applied and considered in determining “need” for an urban growth boundary expansion, or at the least, the less determinative or unsatisfied factor must be given appropriate consideration and weight. *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. It is inconsistent with Goal 14 to determine that a subregional or geographically specific need exists without considering the role played by that need and efforts to meet it in the context of the entire urban growth boundary. *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Goal 14, factors 1 and 2, the two “need” factors, are interdependent, but not identical. Metro did not err in interpreting factor 2 to focus on subregional need and factor 1 to focus on regional need, as it properly considered subregional need in the context of the larger regional need, and in so doing gave appropriate weight to both factors. *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Metro’s Regional Framework Plan, a master plan that incorporates and coordinates Metro’s various functional plans, is a planning document of the type contemplated by Goal 2 that Metro must rely upon in making its required need determination for expanding the urban growth boundary, even though the 1997 population and demand figures in the plan do not reflect subsequent updates. *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. It would be inconsistent with ORS 197.625 to allow a local government to rely on an unacknowledged urban reserve designation as a means to avoid the necessity of finding compliance with Goal 14 and other applicable criteria. *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A “specific type of identified land need” for purposes of the ORS 197.298(3)(a) exception to the urban growth boundary priority scheme refers to types of development that require land with particular site or locational characteristics. An identified subregional need for additional residential housing is not a “specific type of identified land need.” *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. ORS 197.298(3)(c) allows inclusion of lower priority lands in an urban growth boundary (UGB) expansion if maximum efficiency of land uses within a proposed UGB requires inclusion of lower priority lands in order to provide services to higher priority lands. Although minimizing the cost burden alone is insufficient to demonstrate compliance with ORS 197.298(3)(c), evidence that higher priority land cannot be provided with sewer and other utility lines without first developing the preferred resource site satisfies the statutory requirement. *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Before amending an urban growth boundary to add land with predominantly Class I soils to meet an identified need for commercial land, a county must determine whether alternatives to adding a site with predominantly Class I soils can reasonably accommodate the identified need. That alternatives analysis under OAR 660-004-0020(2)(b)(B) is a multi-factor analysis and rejecting alternative sites solely because they have soils that may increase development costs is error. *DLCD v. Douglas County*, 38 Or LUBA 542 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Land that is already included within a UGB is assumed to be available for urban development. That assumption is not rendered invalid simply because sites that are planned and zoned for residential, industrial and commercial use have soil or other characteristics that make them less than ideal to develop. *DLCD v. Douglas County*, 38 Or LUBA 542 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Alternative sites to meet an identified need for commercially planned and zoned land may not be rejected solely because they have soils limitations that the USDA estimates may result in an average 39 percent development cost increase for some small commercial buildings. The estimated 39 percent cost increase is an average, so it may be lower in particular cases, and any added cost may be offset by other advantages the sites may possess. *DLCD v. Douglas County*, 38 Or LUBA 542 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A demonstration of need for a UGB amendment must be based upon and consistent with the local government’s planning documents adopted pursuant to the Goal 2-mandated planning process. In order to amend the UGB based on different population and capacity projections than those in the local government’s comprehensive plan, the local government must amend the plan to include those different projections. *Residents of Rosemont v. Metro*, 38 Or LUBA 199 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A UGB amendment based on a subregional need to provide affordable housing must ensure that the land included in the UGB will be used to satisfy that need. Adoption of a master plan that imposes zoning and other measures

to allow for a significant number of high-density dwellings is sufficient to ensure that the land included in the UGB will be used to satisfy that need, given evidence that the lack of affordable housing in the subregion is the result of the relative absence of high-density dwellings and that such dwellings will be affordable to 83 percent of the employees in the subregion. *Residents of Rosemont v. Metro*, 38 Or LUBA 199 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A UGB amendment adopted pursuant to acknowledged local code provisions that implement Goal 14 is nonetheless subject to direct review for compliance with Goal 14 unless such review would necessarily invalidate some provision of the acknowledged code. *Residents of Rosemont v. Metro*, 38 Or LUBA 199 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Allowing affected local governments only seven days to comment on a revised UGB amendment master plan is consistent with the Goal 2 coordination requirement, where the local governments had opportunity to comment on the original master plan, the revisions reflect and attempt to accommodate those comments, and the affected local governments failed to request any additional time to comment on the revisions. *Residents of Rosemont v. Metro*, 38 Or LUBA 199 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. The exception to the priority scheme for including lands within UGBs under ORS 197.298 for resource lands that are “completely surrounded” by exception areas requires, like the similar exception in OAR 660-012-0030(3), that the local government determine that those resource lands, considered as a whole, do not constitute high-value farmland. The local government cannot include within the UGB a subset of such resource lands without first determining that the larger set of resource lands completely surrounded by exception areas is not high-value farmland. *Residents of Rosemont v. Metro*, 38 Or LUBA 199 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Like the functionally identical priority scheme at OAR 660-021-0030, the elements of the priority scheme for including lands within the UGB under ORS 197.298 must be applied in a sequential manner. A local government cannot include lower priority lands within the UGB pursuant to an exception to that priority scheme without first applying the priority scheme to determine whether higher priority lands can accommodate the identified need. *Residents of Rosemont v. Metro*, 38 Or LUBA 199 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Goal 14, factors 1 and 2 do not require a local government to demonstrate a need for the particular commercial use proposed by the owner of land being considered for inclusion within the urban growth boundary. However, where a local government’s alternative sites analysis under the Goal 14 locational factors relies upon an identified need for a specific type of commercial development, the local government must have established that specific need in considering Goal 14, factors 1 and 2. *Smith v. Douglas County*, 37 Or LUBA 801 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. While a local government is not required to amend its urban growth boundary to accommodate a specific type of proposed

use, Goal 14 does not prohibit a local government from attempting to identify a specific type of use as a “need” under Goal 14, factors 1 and 2. *Smith v. Douglas County*, 37 Or LUBA 801 (2000).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. The county did not err by relying on population projections and a commercial land-to-population ratio of 10.85 acres per 1,000 persons to establish its need for commercial land under Goal 14, Factors 1 and 2, where the ratio of 10.85 acres per 1,000 persons is included as an objective in the acknowledged comprehensive plan. *DLCD v. Douglas County*, 36 Or LUBA 26 (1999).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Language in the comprehensive plan stating that a particular freeway interchange will be given priority for future urban growth boundary amendments has no legal effect on whether the interchange may be added to the urban growth boundary based on consideration of the Goal 14 factors. *DLCD v. Douglas County*, 36 Or LUBA 26 (1999).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A county fails to justify amending its UGB to include commercial land at a freeway interchange where, although the interchange land would have advantages over lands further from the freeway but already inside the UGB, the county fails to demonstrate a particular need for commercial land at the interchange or that the lands inside the UGB are unsuitable for commercial development. *DLCD v. Douglas County*, 36 Or LUBA 26 (1999).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. That a property may be significantly better for commercial development than lands already inside the UGB does not mean that lands already inside the UGB cannot reasonably be redesignated and developed for commercial use. *DLCD v. Douglas County*, 36 Or LUBA 26 (1999).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where a county’s findings do not establish that a need for commercial land can only be satisfied at a freeway interchange, its findings considering alternatives outside the UGB are also inadequate where those findings fail to consider Class II through VI agricultural or nonresource lands simply because they are not close to a freeway interchange. *DLCD v. Douglas County*, 36 Or LUBA 26 (1999).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Factor 3 of Goal 14 is not met if the public facilities and services have to be upgraded to serve land that is added to its UGB and alternative sites within the UGB that could accommodate identified needs already have public facilities and services. *DLCD v. Douglas County*, 36 Or LUBA 26 (1999).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Population projections of a witness who is not shown to be qualified by education or experience to evaluate evidence and draw conclusions concerning a highly technical and complex subject raise substantial evidence concerns, particularly when they are contradicted by the official population estimates prepared by the Center for Population Research and Census (CPRC) and letters from CPRC experts. *Concerned Citizens v. Jackson County*, 33 Or LUBA 70 (1997).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. In determining whether a UGB amendment is justified on the basis of housing need, a local government cannot focus its needs analysis on the needs of the existing population if the proposed development is intended for a different population. *Concerned Citizens v. Jackson County*, 33 Or LUBA 70 (1997).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. If a city seeking to expand its UGB wishes to recognize a housing need for a population other than the existing population, it must amend its population projections to recognize both the natural growth of the existing population and the addition of a new population group, and must describe the proposed development with enough specificity that it is reasonably clear the UGB amendment will accomplish the desired objective. *Concerned Citizens v. Jackson County*, 33 Or LUBA 70 (1997).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Findings addressing livability must identify an existing livability problem justifying a UGB expansion and must evaluate potential negative impacts from the expansion. *Concerned Citizens v. Jackson County*, 33 Or LUBA 70 (1997).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where an amendment to a city's UGB is proposed in order to achieve a particular mix of housing, recreation and population, the amendment must be conditioned on zoning and developing the subject property to achieve the desired result. *Concerned Citizens v. Jackson County*, 33 Or LUBA 70 (1997).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. To defer making a necessary discretionary determination beyond the date that a UGB amendment becomes final creates a possibility the UGB will be amended before Goal 14 is satisfied. Either (1) a determination that all standards requiring discretion in their application are satisfied must be made prior to the amendment of the UGB itself; or (2) the UGB amendment must be conditioned on making the necessary determination at a time subsequent when the statutory notice and hearing requirements are observed. *Concerned Citizens v. Jackson County*, 33 Or LUBA 70 (1997).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. In applying Goal 14, factor 4, a local government must consider cost of services and must encourage development within urban areas before the expansion of a UGB. *Concerned Citizens v. Jackson County*, 33 Or LUBA 70 (1997).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. A city may satisfy Goal 14, factor 4 by carefully evaluating the availability of land within the UGB before reaching a conclusion that none will accommodate a proposed development. That evaluation must include consideration of (1) changing planning designations within the existing UGB to allow for greater densities; (2) assembling lots within the existing UGB; and (3) reconfiguring the proposed use to maximize the use of land within the existing UGB. *Concerned Citizens v. Jackson County*, 33 Or LUBA 70 (1997).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. To satisfy ORS 197.732(1)(c)(D), Goal 2, Part II(c)(4) and OAR 660-04-020(2)(d) as they apply to a UGB amendment, findings must explain, with respect to the subject property, what the adjacent uses,

natural resources, and management or production practices are, and then explain why the proposed use is compatible with them. If setbacks and other mitigation requirements are necessary, these should be stated, and approval of the UGB amendment should be conditioned upon compliance. *Concerned Citizens v. Jackson County*, 33 Or LUBA 70 (1997).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where the need for available land for urban development is the basis for approving a UGB amendment, a Goal 14, factor 5 ESEE analysis cannot ignore that some or all of the land to be included within the expanded UGB may be precluded from development by state or federal law. If the land cannot become available for urban development, the UGB amendment should not be approved. *Concerned Citizens v. Jackson County*, 33 Or LUBA 70 (1997).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. To show a need to amend an acknowledged UGB to include more land for residential development, a local government may either increase its projected population or alter the land use planning assumptions that are applied to the projected population in determining the amount of urban and urbanizable land needed for residential purposes. *Simnitt Nurseries v. City of Canby*, 27 Or LUBA 468 (1994).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where a local government has a sufficient amount of vacant residential land within its acknowledged UGB to accommodate the projected population, the local government’s failure to zone that land for residential development at densities consistent with its plan designation does not support a finding that there is a need to amend the UGB to add more land for residential development. *Simnitt Nurseries v. City of Canby*, 27 Or LUBA 468 (1994).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where a city’s decision to almost double its UGB relies on a study assuming a particular combination of uses in the UGB expansion area, the city must ensure the plan designations and zoning districts applied to land within the UGB expansion area will accommodate those uses. A condition that land use allocations will be determined upon annexation is inadequate. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. If a city located outside the Metro UGB wishes to plan to capture growth currently anticipated to occur within the Metro UGB, it must specifically coordinate that desire with Metro and the affected units of government within the Metro UGB. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Where an “urban planning area agreement” between a city and county does nothing to establish that designation thereunder of an area as an “area of interest” replaces the application of Goal 14 to a proposed UGB amendment involving the “area of interest,” Goal 14 remains directly applicable. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. To justify a UGB amendment under Goal 14, factor 3, a local government must show its public facilities will have adequate capacity to serve the uses contemplated within the UGB expansion area over the local

government's planning period. A local government is not required to show that it *currently* has adequate public facility capacity to serve uses to be made of the proposed UGB expansion area in the future. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. Goal 14, factor 6 requires a local government to determine that other sites with less impact on high priority resource land are unavailable or unsuited to satisfy the particular need which justifies a proposed UGB amendment. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. The determination required by Goal 14, factor 7 regarding compatibility between a proposed UGB expansion and nearby farming activities cannot be made until the city identifies and limits the type and intensity of uses allowed in the UGB expansion area. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. OAR 660-12-060(1) is applicable to comprehensive plan amendments which significantly affect a transportation facility. Compliance with this rule provision must be addressed when a UGB amendment is adopted; it cannot be deferred to future annexation decisions within the UGB expansion area. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. OAR 660-12-060(4) prohibits using the existence of transportation facilities as a basis for approving exceptions to the requirements of OAR 660-12-065, adopted under OAR 660-12-070; or (2) exceptions to statewide planning goals, adopted under OAR 660-04-022 (reasons exceptions) or OAR 660-04-028 (committed exceptions). OAR 660-12-060(4) does not apply to an exception for a change to an established UGB, adopted under OAR 660-04-010(1)(c)(B). *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. 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).

18.3 Goal 14 – Urbanization/ Goal 14 Rule – Amendment of UGB. 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).