

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factor.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factor.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** Goal 14, factors 3 through 7 implicitly require a determination that the sites chosen to be included in an urban growth boundary (UGB) are better than other alternative sites that are also considered for inclusion and rejected. Therefore, a local code provision requiring a demonstration that “the recommended site was better than alternative sites,” does not “go further” or require more than the requirements of Goal 14, and assignments of error concerning that local code provision therefore involve “matters” that fall within the Land Conservation and Development Commission’s exclusive jurisdiction in periodic review. *City of West Linn v. Metro*, 49 Or LUBA 403 (2005).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** That the local government’s Goal 14 findings incorporate other findings by reference does not demonstrate inadequacy in the county’s Goal 14 findings, absent a showing that the county’s findings as a whole, including the incorporated findings, are inadequate. *Alliance for Responsible Land Use v. Deschutes Cty.*, 40 Or LUBA 304 (2001).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** A local government may limit the geographic scope of its alternate sites analysis for lands needed for a subregional need to lands that can satisfy the identified need. A local government is not required to consider an urban growth boundary expansion within other regional centers that would not alleviate the identified needs of the regional center being addressed. *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** Goal 14, factors 3 through 7 are directed at finding the “best” land for expansion of an urban growth boundary, balancing Goal 14 factors 3 through 7. However, if the preferred site requires an exception, then OAR 660-004-0010(1)(c) requires a separate inquiry into whether existing exception lands can reasonably accommodate the proposed use. *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** When comparing exception lands to resource lands under the alternate sites analysis of OAR 660-004-0010(1)(c), it is not sufficient to determine that the exception lands cannot accommodate the proposed use “as well as” the resource lands. Development must be directed to exception lands rather than resource lands if the exception lands can “reasonably accommodate” the proposed development. *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** The requirement that exception lands be included in an urban growth boundary expansion prior to resource lands if the exception lands can reasonably accommodate the use does not place any categorical restrictions on the type of considerations that may be employed in making the determinations. *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** Under the Goal 14, factor 3, analysis regarding public facilities and services, a local government may consider relative cost differences between urbanizing the preferred site or alternative sites. *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** The analysis of maximum efficiency of land under Goal 14, factor 4, allows a local government to consider the ability of a site to accommodate a compact urban form. The term “maximum efficiency of land uses” invokes a concern for avoiding leapfrog or sprawling development inconsistent with the density and connectivity associated with urban development. *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** Goal 14, factor 5, requires an environmental, social, energy, and economic analysis (ESEE) of the consequences of expanding the urban growth boundary (UGB) at the preferred site, compared to alternate sites. A local government may not assume that similar types of residential development will have similar types of ESEE consequences no matter where the UGB is expanded. In order to compare the ESEE consequences, an ESEE analysis must be conducted for both the preferred site and for alternate sites. *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** Proceeding under the exceptions scheme of ORS 197.298(3) does not eliminate the need to consider Goal 14, factor 6, regarding retention of agricultural land. When there are an additional 120 acres of exclusive farm use (EFU)-zoned land in the vicinity of the 109-acre EFU preferred site, the additional 120 acres must also be considered for inclusion in an urban growth boundary expansion along with the preferred site. *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** Goal 14, factor 7, regarding compatibility with agricultural activities, requires a comparison of the preferred site’s compatibility with that of alternate sites. A local government’s balancing of this factor would have little meaning if the only analysis was of the impacts of urbanizing the proposed expansion area and not alternate sites. *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** In conducting the alternative site analysis required to include lower priority resource lands in the UGB under Goal 2, Part II and ORS 197.298(3)(a), the relevant question is whether higher priority exception lands can “reasonably accommodate” the identified need, not whether such exception lands can satisfy that need as well as or better than resource lands. Findings that, due to parcelization and existing development patterns, exception lands cannot accommodate as much or as dense residential development per acre as resource lands are not sufficient to establish that exception lands cannot

“reasonably accommodate” that residential development. *Residents of Rosemont v. Metro*, 38 Or LUBA 199 (2000).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** 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).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** Findings addressing lands available for rural residential development need not consider residential land within urban growth boundaries. Land within urban growth boundaries is not rural land. *Turrell v. Harney County*, 36 Or LUBA 244 (1999).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** Under Goal 14, factor 4, which requires “the encouragement of development within urban areas before the conversion of urbanizable areas,” the city and county seeking to expand an urban growth boundary must explain in their findings what efforts were made to encourage development short of expanding the urban growth boundary and why those efforts were unsuccessful. *Roth v. Yamhill County*, 31 Or LUBA 181 (1996).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** Goal 14, factor 3, which requires that an expansion of an urban growth boundary be based on consideration of “orderly and economic provision of public facilities and services,” is not satisfied by findings that water and sewer lines can be connected to the subject property, but must include findings explaining what impact, if any, the proposed expansion of the water and sewer systems will have on existing services. *Roth v. Yamhill County*, 31 Or LUBA 181 (1996).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** The disinclination of two property owners to develop their residentially zoned property for residential uses does not, of itself, create a need that justifies expansion of the city’s urban growth boundary. *Roth v. Yamhill County*, 31 Or LUBA 181 (1996).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** A city may not justify noncompliance with provisions of Goal 14 and policies in the city’s own comprehensive plan on the ground that noncompliance is necessary to accommodate a particular development proposal. *DLCD v. City of St. Helens*, 29 Or LUBA 485 (1995).

**18.4 Goal 14 – Urbanization/ Goal 14 Rule – Conversion Factors.** In performing an alternative sites analysis under Goal 14 and its own zoning ordinance, a city may not assume that the cost of a previously developed site within the city limits is excessive or that forecasted redevelopment expenses will be prohibitive. *DLCD v. City of St. Helens*, 29 Or LUBA 485 (1995).