

**20. Goal 16 – Estuarine Resources.** The Goal 16 obligation that comprehensive plans “maintain the diversity of important and unique environmental, economic and social features within the estuary” is an on-going obligation that is potentially applicable to a post-acknowledgement plan amendment, and is not merely applicable to the initial development and adoption of the comprehensive plan. *People for Responsible Prosperity v. City of Warrenton*, 52 Or LUBA 181 (2006).

**20. Goal 16 – Estuarine Resources.** Goal 16 Implementation Requirement 1 directs the local government to adopt land use regulations that require an impact assessment of proposed alterations in estuarine waters. Once the local government adopts such regulations, the local government is not required conduct an impact assessment when adopting plan amendments that allow a range of development uses in the estuary. Compliance with the Goal is assured by the fact that any specific development proposal will be evaluated under code standards that directly implement Implementation Requirement 1. *People for Responsible Prosperity v. City of Warrenton*, 52 Or LUBA 181 (2006).

**20. Goal 16 – Estuarine Resources.** The Goal 16 requirement that comprehensive plans “maintain the diversity” of important and unique economic features within the estuary does not require a local government to evaluate all potential negative economic consequences of particular uses allowed by post-acknowledgment plan amendments, or require that local governments protect existing economic uses against new, perhaps competing or conflicting economic uses. *People for Responsible Prosperity v. City of Warrenton*, 52 Or LUBA 181 (2006).

**20. Goal 16 – Estuarine Resources.** In adopting a plan amendment that redesignates a portion of the estuary from conservation to development to facilitate construction of a proposed Liquefied Natural Gas terminal, the city is not required to evaluate speculative concerns that the terminal will delay and inconvenience maritime traffic in order to comply with the Goal 16 requirement to “maintain the diversity” of important and unique economic features in the estuary. *People for Responsible Prosperity v. City of Warrenton*, 52 Or LUBA 181 (2006).

**20. Goal 16 – Estuarine Resources.** Where it is unknowable at the time the local government considers a post-acknowledgment plan amendment that allows a range of development in the estuary whether and the extent to which a specific use potentially allowed by the amendments will adversely affect maritime traffic in the estuary, it is appropriate to find that the plan amendment complies with Goal 16, based in part on reliance that speculative issues raised regarding adverse impacts of particular uses will be adequately addressed under code standards that apply to such uses at the time of construction and that are designed to address such impacts. *People for Responsible Prosperity v. City of Warrenton*, 52 Or LUBA 181 (2006).

**20. Goal 16 – Estuarine Resources.** While it may be error to adopt findings of compliance with Goal 16 that consider only the positive economic benefits of the plan amendment without considering countervailing evidence of negative impacts, petitioners

demonstrate no such error where the local government in fact considered the countervailing evidence and rejected it as unpersuasive and speculative. *People for Responsible Prosperity v. City of Warrenton*, 52 Or LUBA 181 (2006).

**20. Goal 16 – Estuarine Resources.** In adopting post-acknowledgment plan amendments that allow a range of uses in estuarine waters, a local government may adopt findings concluding that the types of uses allowed by the amendment are consistent with applicable Goal 16 requirements, while relying on specific permitting processes that implement the goal and that are designed to address and mitigate the possibility that particular development proposals may have more intense impacts than others, as an additional basis for concluding that the amendment complies with Goal 16. *People for Responsible Prosperity v. City of Warrenton*, 52 Or LUBA 181 (2006).

**20. Goal 16 – Estuarine Resources.** Loss of two acres of estuarine habitat is not necessarily inconsistent with Goal 16, where the Oregon Department of Fish and Wildlife regulations provide that the goal for the habitat is “no net loss of habitat quality or quantity,” there is expert testimony that potential mitigation sites are available in the vicinity, and any development allowed under the post-acknowledgment plan amendment that might result in loss of the two acres will be subject to federal, state and local permit requirements that will require mitigation. *People for Responsible Prosperity v. City of Warrenton*, 52 Or LUBA 181 (2006).

**20. Goal 16 – Estuarine Resources.** A code provision that encourages the city to expand local maritime activities is not a “minimum acceptable performance standard” for purposes of the OAR 660-012-0060(1)(c)(B) requirement that plan amendments not reduce a transportation facility’s performance below the minimum acceptable performance standard identified in the transportation system plan or comprehensive plan. *People for Responsible Prosperity v. City of Warrenton*, 52 Or LUBA 181 (2006).

**20. Goal 16 – Estuarine Resources.** While the Goal 16 conservation unit description does not mention riprap, the administrative rule implementing Goal 16 states that riprap is appropriate in conservation units, subject only to findings that riprap is consistent with the resource capabilities and the purpose of the management unit. *Oregon Shores Cons. Coalition v. Lane County*, 52 Or LUBA 471 (2006).

**20. Goal 16 – Estuarine Resources.** In an appeal of a post-acknowledgment plan amendment that redesignates an estuarine area from a natural management unit to a conservation management unit, the petitioner cannot argue that the acknowledged conservation unit provisions that allow riprap as a conditional use are inconsistent with Goal 16. *Oregon Shores Cons. Coalition v. Lane County*, 52 Or LUBA 471 (2006).

**20. Goal 16 – Estuarine Resources.** Goal 16 requires that, in adopting a post-acknowledgment plan amendment redesignating an estuarine area to a conservation management unit in order to allow riprap to be placed in an estuary, the local government must adopt plan language that evaluates the “potential cumulative impacts of alterations

and development activities envisioned.” *Oregon Shores Cons. Coalition v. Lane County*, 52 Or LUBA 471 (2006).

**20. Goal 16 – Estuarine Resources.** A local government may rely on evidence that clam beds that partially justified a previous natural management unit designation have been smothered by erosion, and the reduced habitat value warrants redesignation of the area to a conservation management unit, notwithstanding conflicting evidence over the remaining habitat value. *Oregon Shores Cons. Coalition v. Lane County*, 52 Or LUBA 471 (2006).

**20. Goal 16 – Estuarine Resources.** A comprehensive plan policy that applies only to estuarine areas governed by Goal 16 does not apply to proposed development within a zone that includes only coastal shorelands governed by Goal 17. *Oregon Shores Cons. Coalition v. Coos County*, 49 Or LUBA 1 (2005).