

**28.3 LUBA Scope of Review – Goal Exceptions.** In reviewing a county's decision that property is irrevocably committed to nonresource uses, LUBA is not required to give any deference to the county's explanation for why it believes the facts demonstrate compliance with the legal standards for a committed exception. *Friends of Yamhill County v. Yamhill County*, 38 Or LUBA 62 (2000).

**28.3 LUBA Scope of Review – Goal Exceptions.** ORS 197.732(6), which applies to LUBA's and LCDC's review of goal exception decisions, does not require LUBA to perform a comprehensive and independent evaluation of a proposed goal exception, but is satisfied by a reasoned opinion. *Laurence v. Douglas County*, 33 Or LUBA 292 (1997).

**28.3 LUBA Scope of Review – Goal Exceptions.** Even where a local government's findings supporting an "irrevocably committed" goal exception address all factors made relevant under OAR 660-04-028, and are supported by substantial evidence in the record, it is still LUBA's responsibility to determine whether the findings demonstrate compliance with the standard of ORS 197.732(1)(b) that "existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable." *1000 Friends of Oregon v. Columbia County*, 27 Or LUBA 474 (1994).

**28.3 LUBA Scope of Review – Goal Exceptions.** OAR 660-04-022(1) states reasons adequate to justify a goal exception "include but are not limited to" those set out in that section. Where OAR 660-04-022(1) applies, in the absence of some explanation in the decision or argument in the local government's brief that it intended to justify its goal exception on some other basis, LUBA will assume the local government's findings are intended to satisfy OAR 660-04-022(1)(a) to (c). *Pacific Rivers Council, Inc. v. Lane County*, 26 Or LUBA 323 (1993).

**28.3 LUBA Scope of Review – Goal Exceptions.** Under ORS 197.732(6)(b), LUBA is authorized to determine whether a local government's findings and reasons satisfy the standards of ORS 197.732(1). *Pacific Rivers Council, Inc. v. Lane County*, 26 Or LUBA 323 (1993).

**28.3 LUBA Scope of Review – Goal Exceptions.** Where a county does not adopt a goal exception as part of its comprehensive plan, the exception is not valid. *Schrock Farms, Inc. v. Linn County*, 24 Or LUBA 58 (1992).

**28.3 LUBA Scope of Review – Goal Exceptions.** Statutory, goal and administrative rule provisions require that the findings and reasons justifying a goal exception be adopted as part of the comprehensive plan. Failure to include such findings and reasons in the plan is sufficient grounds for reversal or remand of the decision. *Caine v. Tillamook County*, 22 Or LUBA 687 (1992).

**28.3 LUBA Scope of Review – Goal Exceptions.** LUBA will not reverse or remand on evidentiary grounds a local government decision that the "irrevocable commitment" goal exception standard is not met, unless petitioner establishes, as a matter of law, that the *only* reasonable conclusion which can be reached based on the evidence in the whole

record is that the "irrevocable commitment" standard is satisfied. *Chambers v. Clackamas County*, 19 Or LUBA 355 (1990).