

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. The guidelines to the Statewide Planning Goals are not standards that must be satisfied to approve a post-acknowledgment plan amendment, and thus alleged inconsistency between a plan amendment and a guideline to Goal 9 is not a basis to reverse or remand the plan amendment. *People for Responsible Prosperity v. City of Warrenton*, 52 Or LUBA 181 (2006).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. Nothing in the rules for conducting periodic review under OAR Chapter 660, Division 25 preempts local procedures or indicates that plan amendments adopted pursuant to those rules may not also be subject to local code requirements governing plan amendments. *City of Woodburn v. Marion County*, 45 Or LUBA 423 (2003).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. A county decision that approves the redesignation of property from a nonresource zone to rural residential zone does not implicate Goal 3, even though the county may have erred in its original decision to zone the property for nonresource use rather than agricultural use and LCDC may have erred in acknowledging the nonresource designation for the property. *Caldwell v. Klamath County*, 45 Or LUBA 548 (2003).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. A county does not err by refusing to apply Goal 3 or by failing to require an exception to Goal 3 to allow nonresource-zoned property to be rezoned for rural residential use, where the nonresource zoning designation for that property was acknowledged and the proposed rural residential zoning designation is consistent with that initial determination. *Caldwell v. Klamath County*, 45 Or LUBA 548 (2003).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. Under OAR 731-015-0075, an ODOT Class 3 project to improve a highway interchange must comply with any affected local government's comprehensive plan and, if the project does not comply, any comprehensive plan amendments that are necessary to bring the project into compliance must be adopted *before* ODOT issues its Revised Environmental Assessment for the interchange project. *Witham Parts and Equipment Co. v. ODOT*, 42 Or LUBA 435.

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. Where petitioners' interpretational challenge of a city's finding that proposed development complies with code provisions implementing Goal 5 is, in essence, an argument that the city's code provisions are insufficient to implement Goal 5, LUBA will reject the challenge as an impermissible collateral attack on the city's acknowledged Goal 5 regulations. *Crowley v. City of Bandon*, 41 Or LUBA 87 (2001).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. Read in conjunction with the "safe harbor" provisions of OAR 660-013-0140, the requirement at OAR 660-013-0160(5) that a local government achieve full compliance with the Airport Planning Rule in amending its comprehensive plan and land use regulations applies only when the local government amends its plan or land use regulations to add different requirements

than the plan or land use regulations previously imposed. *Northwest Aggregates Co. v. City of Scappoose*, 38 Or LUBA 291 (2000).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. The “air, rail, water and pipeline transportation plan” required by OAR 660-012-0020(2)(e) to be included in a local government’s Transportation System Plan need not include any information other than that specified in the rule; *i.e.*, the location and extent of existing or planned facilities. *Northwest Aggregates Co. v. City of Scappoose*, 38 Or LUBA 291 (2000).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. That a challenged plan amendment is consistent with other provisions of an acknowledged comprehensive plan may have some bearing on whether the plan, as amended, continues to comply with all applicable statewide planning goals; however, such consistency does not obviate goal compliance review. *Volny v. City of Bend*, 37 Or LUBA 493 (2000).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. OAR 660-023-0180, which governs comprehensive plan amendments for mineral and aggregate resources, establishes the procedures required to comply with Goal 5 but does not obviate the requirement to address other statewide planning goals. *Turner Community Association v. Marion County*, 37 Or LUBA 324 (1999).

4.2 Statewide Planning Goal/ LCDC Rules – Compliance With. A county’s transportation plan is inconsistent with the Transportation Planning Rule where it fails to inventory existing and committed bicycle and pedestrian facilities in the county, assess the capability and condition of those facilities, develop a system of planned improvements to those facilities, and depict planned improvements on a map, as required by OAR 660-012-0020. *Dept. of Transportation v. Douglas County*, 36 Or LUBA 131 (1999).

4.2 Statewide Planning Goal/ LCDC Rules – Compliance With. A letter from an ODOT employee regarding negotiations between ODOT and the county does not constitute an affirmative waiver of issues related to minimum street width standards under OAR 660-012-0045(7), where it is unclear what was resolved between the parties and whether the county implemented the parties’ resolution. Even if petitioner ODOT had waived that issue, such waiver would not apply to petitioner DLCD. *Dept. of Transportation v. Douglas County*, 36 Or LUBA 131 (1999).

4.2 Statewide Planning Goal/ LCDC Rules – Compliance With. The requirement at OAR 660-012-0045(7) that the county evaluate whether its street width standards are the minimum consistent with operational needs is not satisfied by a county procedure to consider, on a case-by-case basis, whether certain street widths should be reduced. *Dept. of Transportation v. Douglas County*, 36 Or LUBA 131 (1999).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. Application of criteria included in an acknowledged comprehensive plan governing redesignation of resource lands does not obviate the requirement that comprehensive plan and land use

regulation amendments comply with the statewide planning goals. *DLCD v. Curry County*, 33 Or LUBA 728 (1997).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. LUBA may review a local government decision under rules adopted after the date of a challenged decision if a remand would be based on a failure to comply with rules that have been superseded. *Brown v. Jefferson County*, 33 Or LUBA 418 (1997).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. In adopting land use regulations, including emergency and temporary land use regulations, a city is bound by the substantive and procedural requirements established by ORS 197.610 and Statewide Planning Goals 1 and 2. These statutory and Goal requirements must be followed notwithstanding contrary city charter provisions. *Western PCS, Inc. v. City of Lake Oswego*, 33 Or LUBA 369 (1997).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. Goal 9 does not require that a city find that its "regulations will result in there being an adequate supply of sites for telecommunication facilities." *Western PCS, Inc. v. City of Lake Oswego*, 33 Or LUBA 369 (1997).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. A land use regulation does not "prohibit new telecommunication" facilities where such facilities are allowed as a permitted or conditional use in all zones and variances are allowed for otherwise applicable height limits and setback requirements. *Western PCS, Inc. v. City of Lake Oswego*, 33 Or LUBA 369 (1997).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. While Goal 11 requires that a local government "plan and develop a timely, orderly and efficient arrangement of public facilities," a local government need not provide an expedited process for public facilities and retains its ability to ensure the appropriate juxtaposition of land uses. *Western PCS, Inc. v. City of Lake Oswego*, 33 Or LUBA 369 (1997).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. The decision to vacate 105 feet of a public road is not a "plan," as that term is used in ORS 197.250. The county's land use "plans, programs, rules or regulations affecting land use" are contained in its acknowledged comprehensive plan and implementing regulations. *Pacific Western Co. v. Lincoln County*, 32 Or LUBA 317 (1997).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. LUBA may review a local government decision under LCDC rules adopted after the date of the decision if a remand would be based on a failure to comply with rules since superseded. However, LUBA cannot apply rules before LCDC adopts them. *DLCD v. Yamhill County*, 31 Or LUBA 488 (1996).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. Under ORS 197.646(3), there is no grace period prior to required local government compliance with

amendments to statutes, rules or Statewide Planning Goals. *DLCD v. Lincoln County*, 31 Or LUBA 240 (1996).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. Goal 6 requires a finding that a proposed use will be able to comply with applicable environmental standards, and is not satisfied by findings stating only that the proposed use will be required through conditions to comply with the standards. *Marcott Holdings, Inc. v. City of Tigard*, 30 Or LUBA 101 (1995).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. The Goal 9 rule applies only to plan and land use amendments adopted during periodic review, but it provides interpretive guidance in applying Goal 9 to quasi-judicial changes to acknowledged comprehensive plans or land use regulations that affect continued compliance with Goal 9. *Marcott Holdings, Inc. v. City of Tigard*, 30 Or LUBA 101 (1995).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. Statewide Planning Goal "guidelines" are simply suggested approaches that local governments may use in achieving compliance with the goals; they are not requirements with which local governments must comply. ORS 197.015(9); Goal 2, Part III. *Churchill v. Tillamook County*, 29 Or LUBA 68 (1995).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. The Goal 2 requirement for "ultimate policy choices" does not mean local governments cannot adopt ambiguous or subjective development standards or complex development review processes. Where LCDC interprets a particular Statewide Planning Goal to require that certain uses be subject only to clear and objective standards, it says so in an implementing rule. *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670 (1995).

4.2 Statewide Planning Goals/ LCDC Rules – Compliance With. LCDC does not require that local governments adopt comprehensive plans and land use regulations that restate, word for word, the statewide planning goals or the administrative rules which implement those goals. Comprehensive plans and land use regulations must "comply" with the goals and rules. *DLCD v. Douglas County*, 28 Or LUBA 242 (1994).