

6.1 Goal 2 – Land Use Planning – Generally. 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).

6.1 Goal 2 – Land Use Planning – Generally. Nothing in Goal 2 specifies that an agreement between a county and city to manage land within a UGB is incorporated by law into the local governments’ comprehensive plans or codes, or mandates that the local governments take action to do so, and a mere statement in the county code or comprehensive plan that the agreement governs certain procedures is not sufficient to demonstrate that the latter is a part of the former. *City of Albany v. Linn County*, 81 Or LUBA 104 (2020).

6.1 Goal 2 – Land Use Planning – Generally. County and city comprehensive plans that contain conflicting definitions may nevertheless be consistent with each other, as required by Goal 2, where the county will evaluate consistency with the city comprehensive plan at the development stage and thereby ensure that the plans are applied in a consistent manner. *City of Albany v. Linn County*, 81 Or LUBA 104 (2020).

6.1 Goal 2 – Land Use Planning – Generally. The Goal 2 requirement that acknowledged comprehensive plans be the “basis” for land use decisions is not violated by citation to an adopted, but unacknowledged housing strategy document, where the cited portion of the document directly implements, in almost identical language, policy recommendations in the city’s acknowledged housing needs analysis. *Crowley v. City of Hood River*, 77 Or LUBA 117 (2018).

6.1 Goal 2 – Land Use Planning – Generally. Language in a city’s acknowledged housing needs analysis finding an existing deficit of affordable housing in the city, and recommending that the city identify surplus city land for development with government-subsidized housing, provides a policy basis for the city to rezone public land from an open space zone to a residential zone that allows high density residential development. *Crowley v. City of Hood River*, 77 Or LUBA 117 (2018).

6.1 Goal 2 – Land Use Planning – Generally. A city’s process in adopting amendments to a subarea plan to approve a proposal to construct a new bridge does not violate Goal 2 where the city provided opportunities for review and comment on the proposed plan amendments by the public, and provided notice to neighborhood associations of the plan amendment proceedings, despite a very compressed period of time for public input regarding a fairly complex proposal. *Deumling v. City of Salem*, 76 Or LUBA 99 (2017).

6.1 Goal 2 – Land Use Planning – Generally. A city errs in finding compliance with annexation standards based on a projection of housing need from a Portland State University study rather than on projections of housing need in the city’s own acknowledged housing inventory. *JAJ Misc PAC v. City of Jefferson*, 75 Or LUBA 120 (2017).

6.1 Goal 2 – Land Use Planning – Generally. LUBA is not required to affirm a county’s interpretation of an exception to Goal 4 that is part of the county’s comprehensive plan, where that interpretation is contrary to the exception statutes at ORS 197.732, Goal 2, and the rule that implements Goal 2 at OAR 660-004-0018. ORS 197.829(1)(d). *Hood River Valley Residents v. Hood River County*, 75 Or LUBA 452 (2017).

6.1 Goal 2 – Land Use Planning – Generally. A county’s interpretation of an irrevocably committed exception as allowing all uses on the exception site that are allowed in the zone that was applied to the site when the exception was approved is inconsistent with the ORS 197.732(1)(b) description of an exception as “a comprehensive plan provision that * * * is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability.” *Hood River Valley Residents v. Hood River County*, 75 Or LUBA 452 (2017).

6.1 Goal 2 – Land Use Planning – Generally. A decision by the city that it will not approve any road that is located in the conceptual location approved in a previously approved conceptual development plan, and that is also shown in the city’s adopted transportation systems plan and the adopted area refinement plan for the city, would not be a land use decision that is “in compliance with the acknowledged plan and land use regulations.” ORS 197.175(2)(d). *GPA 1 LLC v. City of Corvallis*, 74 Or LUBA 527 (2016).

6.1 Goal 2 – Land Use Planning – Generally. Where a road is proposed in the conceptual location approved in a previously approved conceptual development plan, and is also shown in the city’s adopted transportation systems plan and the adopted area refinement plan for the city, the city has a heightened obligation under *Commonwealth Properties v. Washington County*, 35 Or App 387, 400, 582 P2d 1384 (1978), to either (1) approve the proposed alignment that is consistent with the planned and approved location, or (2) make it very clear which of five other alternative proposed alignments the city will accept. *GPA 1 LLC v. City of Corvallis*, 74 Or LUBA 527 (2016).

6.1 Goal 2 – Land Use Planning – Generally. A plan amendment that designates 33 acres for high-density residential development is not inconsistent with a plan policy requiring a minimum of 28 acres of high-density residential, including seven acres to provide public open space, notwithstanding the failure to specifically designate seven acres for open space, where the 33 designated acres can supply the required seven acres of open space. *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1 (2013).

6.1 Goal 2 – Land Use Planning – Generally. In adopting zoning that makes existing manufactured dwelling parks non-conforming uses in a high-density residential zone, a city is not required to consider in isolation a comprehensive plan policy requiring conservation of existing affordable housing, but may consider and balance other plan policies that promote competing policy objectives. *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1 (2013).

6.1 Goal 2 – Land Use Planning – Generally. Remand is necessary where a city deletes two refinement plan policies requiring protection of existing manufactured dwelling parks, and zones the parks to make them non-conforming uses, but the findings do not explain how the amendments

are consistent with a comprehensive plan policy requiring conservation of existing affordable housing. *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1 (2013).

6.1 Goal 2 – Land Use Planning – Generally. A decision that adopts a refinement plan that describes a 15-inch wastewater pipeline that is not included in the city’s acknowledged public facilities plan does not present a Goal 2 consistency problem or violation of Goal 11, where under the acknowledged plan 15-inch pipelines need not be included in the plan and the petitioner’s argument that the plan must include the proposed pipeline represents a collateral attack on the acknowledged public facilities plan. *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1 (2013).

6.1 Goal 2 – Land Use Planning – Generally. Goal 2 is not violated by adopting a plan amendment that references unacknowledged land use regulations. *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1 (2013).

6.1 Goal 2 – Land Use Planning – Generally. Neither a petitioner nor a city may rely on an adopted planning document that had not taken effect at the time of the city’s decision to argue that the question of whether a proposed comprehensive plan map amendment is in the public interest has been conclusively answered by the adopted but ineffective planning document. *Vest v. City of Molalla*, 66 Or LUBA 155 (2012).

6.1 Goal 2 – Land Use Planning – Generally. Although previously adopted and acknowledged city public facilities plans identified as future public facilities projects the replacement of existing transmission lines and construction of a treatment plant, where a project that the city includes in a new public facilities plan proposes a larger diameter transmission pipe than any previous plan, more miles of pipeline than some previous plans, and relocation of the transmission pipe, the project that is included in the new public facilities plan has not previously been included in an adopted and acknowledged plan and the parties are not precluded from challenging the project. *Central Oregon Landwatch v. City of Bend*, 66 Or LUBA 392 (2012).

6.1 Goal 2 – Land Use Planning – Generally. Where the text of an ordinance adopts and incorporates documents that are dated “September 2011” but the documents that are actually attached to the ordinance are dated “May 2012,” and the ordinance and record viewed as whole make clear that the city council intended to adopt the more recent versions of the documents that were actually attached to the adopted ordinance, the mistaken reference in the text of the ordinance to the former versions of those documents is simply a typographical error that does not amount to a failure to comply with Goal 2’s consistency requirements. *Central Oregon Landwatch v. City of Bend*, 66 Or LUBA 392 (2012).

6.1 Goal 2 – Land Use Planning – Generally. Where a comprehensive plan amendment to the city’s public facilities chapter includes a public facilities project as one of the improvements to be constructed within the twenty-year planning period, but a public facilities plan adopted concurrently with the comprehensive plan amendment and incorporated into the comprehensive plan fails to identify the project as a “short term” or “long term” project or to identify the project at all, the amendment means the comprehensive plan is internally inconsistent in violation of Goal 2. *Central Oregon Landwatch v. City of Bend*, 66 Or LUBA 392 (2012).

6.1 Goal 2 – Land Use Planning – Generally. Nothing in Goal 2, Goal 11, or an urban growth management agreement between the city and the county for lands within the urban growth boundary requires the city to consider the impacts of a public facilities project on a county-identified Goal 5 resource, where the county was given an opportunity to and did not raise any concerns about the project’s impact on a county-identified Goal 5 resource. *Central Oregon Landwatch v. City of Bend*, 66 Or LUBA 392 (2012).

6.1 Goal 2 – Land Use Planning – Generally. A local government’s reliance on a draft economic opportunities analysis that has not been adopted as a part of the local government’s comprehensive plan to conclude that new regulations will not affect the city’s supply of industrial land runs afoul of Statewide Planning Goal 2, even if the draft economic opportunities analysis is part of the record and could provide an adequate factual base to support the decision. *Gunderson, LLC v. City of Portland*, 62 Or LUBA 403 (2011).

6.1 Goal 2 – Land Use Planning – Generally. Based on the Court of Appeals’ decisions in *1000 Friends of Oregon v. City of Dundee*, 203 Or App 207, 216, 124 P3d 1249 (2005) and *D.S. Parklane Development, Inc. v. Metro*, 165 Or App 1, 22, 994 P2d 1205 (2000), it would be error for a local government to ignore available commercial and industrial land data in its acknowledged comprehensive plan and rely instead on different data that is not part of the acknowledged comprehensive plan to conclude that a land use regulation amendment will leave the local government with an adequate supply of commercial and industrial land. However, if the local government also adopts adequate findings based on the commercial and industrial land data in its acknowledged comprehensive plan that the land use regulation amendment will not leave the local government with an inadequate supply of commercial and industrial land, the local government’s additional findings that rely on data that is not included in the comprehensive plan provide no basis for reversal or remand. *McDougal Bros. Investments v. City of Veneta*, 59 Or LUBA 207 (2009).

6.1 Goal 2 – Land Use Planning – Generally. An argument that a county erred by changing a proposed zoning ordinance text amendment approximately a month before the change was adopted provides no basis for reversal or remand where a detailed explanation of the proposed change was provided shortly after the change was introduced, many written comments were received and one of the petitioners submitted detailed comments opposing the proposed change. *Carver v. Deschutes County*, 58 Or LUBA 323 (2009).

6.1 Goal 2 – Land Use Planning – Generally. Although Goal 2 requires that “ultimate policy choices” be included in the comprehensive plan, Goal 2 does not dictate the manner in which a local government must make its ultimate policy choices or the form in which the city must express ultimate policy choices. *Home Builders Assoc. v. City of Eugene*, 52 Or LUBA 341 (2006).

6.1 Goal 2 – Land Use Planning – Generally. Although the use of different planning periods in different regional planning documents might constitute an internal conflict that would violate the Goal 2 (Land Use Planning) internal plan consistency requirement, the statewide planning goals do not mandate identical planning periods in all planning documents in all circumstances and it is petitioners’ obligation to demonstrate that the use of different planning periods in the particular

planning documents constitutes a conflict that violates Goal 2. *Home Builders Assoc. v. City of Springfield*, 50 Or LUBA 134 (2005).

6.1 Goal 2 – Land Use Planning – Generally. A city may rely on a recent buildable lands inventory (BLI) that is a completed final document in demonstrating that a proposed transportation project will not result in a deficiency of buildable land under Goal 10 (Housing), even if that BLI has not yet been incorporated into the comprehensive plan. *1000 Friends of Oregon v. City of Dundee*, 49 Or LUBA 601 (2005).

6.1 Goal 2 – Land Use Planning – Generally. When a city’s population passes 2,500, more types of needed housing must be addressed, but the city does not have to amend its housing inventory before it can adopt any land use decision that will affect housing. *1000 Friends of Oregon v. City of Dundee*, 49 Or LUBA 601 (2005).

6.1 Goal 2 – Land Use Planning – Generally. A city’s decision to rezone land to allow for future residential development notwithstanding the existence of an airport overlay zone on that property that currently prohibits residential uses does not violate Goal 2’s requirement that land use regulations be consistent. *Holcombe v. City of Florence*, 45 Or LUBA 59 (2003).

6.1 Goal 2 – Land Use Planning – Generally. A city’s finding that additional residential land is needed to accommodate anticipated population growth is not inconsistent with a 1997 buildable lands inventory that sufficient residential land is available, where (1) a 2000 comprehensive plan indicates that during the late 1990s, there was a significant and unanticipated population increase that was not reflected in the 1997 buildable lands inventory, and (2) the 2000 comprehensive plan includes policies that allow for the designation of additional residential land to address housing needs resulting from that unanticipated growth. *Holcombe v. City of Florence*, 45 Or LUBA 59 (2003).

6.1 Goal 2 – Land Use Planning – Generally. Neither Goal 10 nor Goal 14 require a finding of “demonstrated need” for additional residential land within the meaning of Goal 2, Part II or Goal 14, factors 1 and 2 before the city may amend its comprehensive plan map to allow property to be zoned for residential rather than industrial uses. *Holcombe v. City of Florence*, 45 Or LUBA 59 (2003).

6.1 Goal 2 – Land Use Planning – Generally. LUBA does not have jurisdiction to review a regional transportation plan to determine whether it is consistent with a regional framework plan consistency requirement, where such consistency is also required by Goal 2 and LCDC has jurisdiction to review the regional framework plan and regional transportation plan for compliance with Goal 2. *Citizens Against Irresponsible Growth v. Metro*, 40 Or LUBA 426 (2001).

6.1 Goal 2 – Land Use Planning – Generally. A local government must rely on the housing inventory contained in its acknowledged comprehensive plan to determine whether rezoning property from multi-family residential to commercial use will cause the local government’s housing inventory to violate Goal 10. *Craig Realty Group v. City of Woodburn*, 39 Or LUBA 384 (2001).

6.1 Goal 2 – Land Use Planning – Generally. 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).

6.1 Goal 2 – Land Use Planning – Generally. 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).

6.1 Goal 2 – Land Use Planning – Generally. Neither Goal 2 nor ORS 197.175(2) require that zoning ordinance amendments that are necessary to implement a comprehensive plan map amendment be adopted at the same time as the plan amendment. *Neighbors for Livability v. City of Beaverton*, 37 Or LUBA 408 (1999).

6.1 Goal 2 – Land Use Planning – Generally. Findings that express confidence that particular existing zoning districts could be applied to implement a conditional plan map amendment are legally irrelevant, where the decision to amend the zoning map to implement the new plan map designation is deferred to a later date. *Neighbors for Livability v. City of Beaverton*, 37 Or LUBA 408 (1999).

6.1 Goal 2 – Land Use Planning – Generally. The lack of an available implementing zoning district at the time a conditional plan map amendment is adopted does not provide a basis for reversal or remand. In that event, at the time the city amends its zoning map to implement the conditional plan map amendment, it will be required to (1) adopt a new implementing zoning district or amend an existing zoning district so that it could be applied, or (2) adopt further plan map amendments that may be required to allow adoption of an implementing zoning district. *Neighbors for Livability v. City of Beaverton*, 37 Or LUBA 408 (1999).

6.1 Goal 2 – Land Use Planning – Generally. Goal 2 does not forbid a comprehensive plan map amendment that will revert in two years to the previously existing acknowledged plan map designations, under specified conditions. *Neighbors for Livability v. City of Beaverton*, 37 Or LUBA 408 (1999).

6.1 Goal 2 – Land Use Planning – Generally. Where a comprehensive plan map amendment adopts a plan map designation that authorizes several zoning districts, LUBA will assume the city will later apply the zoning districts that will comply with housing goals, rather than zoning districts that might violate those housing goals. If inappropriate zoning districts are applied later, the decisions adopting those zoning districts can be corrected through an appeal of those zoning map decisions. *Neighbors for Livability v. City of Beaverton*, 37 Or LUBA 408 (1999).

6.1 Goal 2 – Land Use Planning – Generally. A local government does not violate the Goal 2 consistency requirement by using updated population projections instead of population projections in its comprehensive plan to determine the size of the urban land need under the urban reserve rule, OAR 660-021-0030, where the two projections serve different purposes and use of the updated projections does not undermine or conflict with the comprehensive plan or implementing regulations. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

6.1 Goal 2 – Land Use Planning – Generally. In reviewing a county’s legislative comprehensive plan amendment, LUBA does not require detailed findings, but Goal 2 requires a local government to explain why the amendment complies with applicable Statewide Planning Goals. The required explanation can appear in findings, in the record or in the brief the local government files with LUBA. *Valerio v. Union County*, 33 Or LUBA 604 (1997).

6.1 Goal 2 – Land Use Planning – Generally. A city violates Goal 2 when it adopts a temporary land use regulation without following the hearing and opportunity for review and comment requirements of Goal 2. *Western PCS, Inc. v. City of Lake Oswego*, 33 Or LUBA 369 (1997).

6.1 Goal 2 – Land Use Planning – Generally. 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).

6.1 Goal 2 – Land Use Planning – Generally. 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).

6.1 Goal 2 – Land Use Planning – Generally. Where the only inventory of historic structures maintained by a city has not been adopted as part of the city’s acknowledged comprehensive plan, a post-acknowledgment decision not to designate an inventoried building as a historical landmark is not a de facto post-acknowledgment plan amendment, even though the decision may ultimately allow the building to be demolished. *Historical Development Advocates v. City of Portland*, 27 Or LUBA 617 (1994).