

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. It may be that a city’s buildable lands inventory (BLI) can be written and structured so that it can be updated without incorporating the update into the city’s comprehensive plan. However, where a city’s BLI is not the type of BLI that might be updated and relied upon without incorporating the updated BLI into the comprehensive plan, a city decision relying on that BLI update to enlarge the city’s urban growth boundary, without first adopting the updated BLI as part of the city’s comprehensive plan, is error. *Lengkeek v. City of Tangent*, 54 Or LUBA 160 (2007).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. Extrapolation of a local government’s buildable lands inventory based on assumptions not contained in the comprehensive plan is not compatible with the Goal 2 requirement that decisions be based on the comprehensive plan. *Lengkeek v. City of Tangent*, 52 Or LUBA 509 (2006).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. A local government may rely on population projections contained in the transportation system plan portion of the comprehensive plan in amending its urban growth boundary. *Lengkeek v. City of Tangent*, 52 Or LUBA 509 (2006).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. The city’s conclusion that there is a demonstrated need to add 90 acres of residential land to the city’s residential buildable lands inventory, based on information submitted by the applicant that uses a planning period to the year 2020, is not inconsistent for purposes of Goal 2 (Land Use Planning) with the buildable lands inventory in the acknowledged comprehensive plan that relies on a planning period that ends in 2004 or 2005. *Lengkeek v. City of Tangent*, 50 Or LUBA 367 (2005).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. Goal 10 (Housing) requires local governments to inventory available residential buildable lands, and Goal 2 (Land Use Planning) requires those inventories to be part of the comprehensive plan. Where the residential buildable lands inventory in the comprehensive plan is not useable, and an applicant presents evidence regarding the current inventory of buildable lands, Goal 1 (Citizen Involvement), Goal 2 and Goal 10 require that the comprehensive plan be amended to incorporate that inventory. *Lengkeek v. City of Tangent*, 50 Or LUBA 367 (2005).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. Goal 10 (Housing), Goal 2 (Land Use Planning) and Goal 1 (Citizen Involvement) require that a population projection that forms the basis of a city’s residential lands needs analysis be incorporated into the comprehensive plan. *Lengkeek v. City of Tangent*, 50 Or LUBA 367 (2005).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. A county’s population projection is supported by an adequate factual base when it relies on a massive supply of groundwater in the regional aquifer and future acquisition of rights to the aquifer in order to meet future water needs for population growth. *Friends of Deschutes County v. Deschutes County*, 49 Or LUBA 100 (2005).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. A local government may take past and future annexations into account in determining its future growth rate. *Friends of Deschutes County v. Deschutes County*, 49 Or LUBA 100 (2005).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. ORS 195.036 does not require a county to employ any particular methodology to project future population, and is silent with respect to whether different methodologies may be used for different areas of the county. As long as the county’s choice of methodology is supported by an adequate factual base, the county may choose to use different methodologies in different areas of the county. *Tipperman v. Union County*, 44 Or LUBA 98 (2003).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. A reasonable factfinder would not rely on 1990-2000 building permit data to project a higher than historic population increase through the year 2020, where the analysis of building permit data assumes without any basis that each building permit resulted in construction of a permanent non-seasonal dwelling, and fails to adequately take into account the number of abandoned, demolished, removed or replaced dwellings. *Tipperman v. Union County*, 44 Or LUBA 98 (2003).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. A reasonable factfinder would not assume that every new job and student slot created in the county over the next 20 years will be filled by a new immigrant to the county, for purposes of projecting county population increase, particularly given the relatively high rate of unemployment in the county, and the unlikelihood that all new jobs will be full-time or family-wage jobs likely to induce in-migration. *Tipperman v. Union County*, 44 Or LUBA 98 (2003).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. A county’s choice to allocate a higher than historic rate of growth to one city, in coordinating the county’s 20-year population projection among cities and unincorporated areas, is supported by an adequate factual base, where the record includes evidence that the city was the fastest growing city in the county in the 1990s and is likely to annex rural residential land at a higher rate than other cities. *Tipperman v. Union County*, 44 Or LUBA 98 (2003).

6.5 Goal 2 - Land Use Planning - Adequate Factual Base. The Goal 2 requirement for an adequate factual base does not exist in a vacuum. In alleging a Goal 2 factual base inadequacy at LUBA, a petitioner must establish that some applicable statewide planning goal or other criterion imposes obligations that are of such a nature that a factual base is required to determine if the zoning ordinance amendment is consistent with the goal or other criterion. *OCAPA v. City of Mosier*, 44 Or LUBA 452 (2003).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. Where petitioner alleges that a comprehensive plan amendment violates the Goal 2 requirement for an “adequate factual base,” but petitioner makes no attempt to explain why the three-volume record supporting the challenged decision is inadequate to satisfy this general Goal 2

requirement, the assignment of error will be denied. *Hubenthal v. City of Woodburn*, 39 Or LUBA 20 (2000).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. A UGB amendment based on a subregional need to provide affordable housing must ensure that the land included in the UGB will be used to satisfy that need. Adoption of a master plan that imposes zoning and other measures to allow for a significant number of high-density dwellings is sufficient to ensure that the land included in the UGB will be used to satisfy that need, given evidence that the lack of affordable housing in the subregion is the result of the relative absence of high-density dwellings and that such dwellings will be affordable to 83 percent of the employees in the subregion. *Residents of Rosemont v. Metro*, 38 Or LUBA 199 (2000).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. A county’s 2020 population projection is supported by an adequate factual base, notwithstanding that it is based on 1991-1997 population figures that differ from official state estimates for those years, where a reasonable person could conclude that, when the two sets of figures are adjusted to cover the same period of time, the difference between the county and state figures falls within a statistically acceptable margin of error. *DLCD v. Douglas County*, 37 Or LUBA 129 (1999).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. A county population projection is supported by an adequate factual base, notwithstanding that it is based on assumptions regarding economic growth that are inconsistent with the county’s historic economic growth patterns, where a reasonable person could conclude that those historic economic growth patterns are not indicative of the county’s long-term economic prospects. *DLCD v. Douglas County*, 37 Or LUBA 129 (1999).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. A county plan amendment imposing a “sequencing” requirement that proposed attached housing be built before completing proposed detached housing is supported by an adequate factual base, where a reasonable decision maker could conclude, based on testimony in the record, that the sequencing requirement is necessary to forestall attempts to underbuild attached housing, which may subvert the county’s minimum density standard. *West Hills Development Co. v. Washington County*, 37 Or LUBA 46 (1999).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. Petitioners fail to demonstrate that a county’s plan amendment lacks an adequate factual base and is inconsistent with Goal 10 where petitioners merely speculate that the county’s plan amendment, which requires that proposed attached housing be built at a site before completing proposed detached housing, will adversely affect the county’s buildable lands inventory. *West Hills Development Co. v. Washington County*, 37 Or LUBA 46 (1999).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. Petitioners fail to demonstrate that a county’s minimum density standard lacks an adequate factual base or is inconsistent with Goal 10 where petitioners merely speculate that application of the standard will make it impossible to develop certain lands at lower densities. Even if

petitioners' speculations are correct, the only probable result is that those lands will be developed at higher densities, which is not inconsistent with Goal 10. *West Hills Development Co. v. Washington County*, 37 Or LUBA 46 (1999).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. A local government errs in declaring that an intergovernmental agreement no longer controls where by the terms of that agreement it governs until specified recommendations are implemented, and the record shows that the recommendations have been only partially implemented. *City of Salem/Marion County v. City of Keizer*, 36 Or LUBA 262 (1999).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. Petitioner's arguments that four studies supporting a comprehensive plan amendment are old, fail to address certain features, are preliminary, and call for more study do not demonstrate the challenged amendment lacks an adequate factual base, where the challenged decision's factual base is not limited to the four studies. *Friends of Cedar Mill v. Washington County*, 28 Or LUBA 477 (1995).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. With regard to providing an explanation of the basis for a challenged legislative decision, the Goal 2 "adequate factual base" requirement will be satisfied if the decision is supported by either (1) findings demonstrating compliance with applicable legal standards, or (2) argument and citations to facts in the record, in respondents' briefs, adequate to demonstrate compliance with applicable legal standards. *Redland/Viola CPO v. Clackamas County*, 27 Or LUBA 560 (1994).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. Statewide Planning Goal 2 requires that comprehensive plan and land use regulation amendments have an adequate factual base, regardless of whether they are legislative or quasi-judicial in nature. *Rea v. City of Seaside*, 27 Or LUBA 443 (1994).

6.5 Goal 2 – Land Use Planning – Adequate Factual Base. Statewide Planning Goal 2 requires that planning decisions and actions have an adequate factual base, regardless of the legislative or quasi-judicial nature of the decision. The Goal 2 requirement for an adequate factual base is equivalent to the requirement for substantial evidence in the whole record. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994).