

1 Opinion by Livingston.

2 **NATURE OF THE DECISION**

3 Petitioner appeals decisions of the county board of
4 commissioners and the city council that amend the city's
5 urban growth boundary (UGB), comprehensive plan text and
6 comprehensive plan map.¹

7 **FACTS**

8 The Newberg Urban Area Growth Management Agreement
9 (NGMA) between the city and the county establishes the means
10 by which the management of the unincorporated area within
11 the UGB is to be implemented and the UGB may be modified.
12 Applications for UGB amendments may be initiated by the
13 governing bodies of the city and county and by individual
14 property owners requesting inclusion within or exclusion
15 from the UGB. An application is made first to the city
16 planning department, which notifies the county and refers
17 the application to the Newberg Urban Area Management
18 Commission (NMC). The NMC has seven members chosen from the
19 city and county governing bodies and planning commissions,
20 citizen advisory committees, etc. It holds hearings, makes
21 findings, and makes recommendations to the city and county
22 governing bodies. These bodies then separately make a final
23 decision on the application, in the sequence specified by
24 the NGMA.

¹Neither respondent filed a brief.

1 In 1993, four property owners who desired city water
2 service applied to the city and county for an expansion of
3 the UGB to include their properties, located near the city's
4 northwest boundary, with the ultimate objective of
5 annexation to the city. In December, 1993, when the
6 challenged decisions were made, neither sewer nor water
7 service was available to the properties, although water
8 service was planned through an adjacent subdivision
9 scheduled for imminent construction.

10 During the course of the NMC and city proceedings, the
11 original proposal was modified to include additional
12 property. The challenged city decision (1) expands the UGB
13 to include an additional 46.3 acres, which are redesignated
14 and rezoned from county Very Low Density Residential (2.5-
15 acre minimum) to either city Low Density Residential (R-1)
16 or Medium Density Residential (R-2); (2) amends Table IV-6
17 of the housing needs section of the comprehensive plan text
18 to show a surplus of 124 units of low density residential
19 (LDR) buildable land (instead of 121 units), a deficit of 96
20 units of medium density residential (MDR) buildable land
21 (instead of a surplus of 9 units), and a deficit of 19 units
22 of high density residential (HDR) buildable land (instead of
23 a surplus of 2 units); and (3) adds the following new public
24 facilities policy to the comprehensive plan:

25 "On-site sewage disposal shall be permitted for
26 residential use within the Urban Growth Boundary
27 subject to the following:

- 1 "• On-site sewage systems shall be designed to
2 connect by gravity to a future public sewer
3 system.
- 4 "• Property owners shall agree by signing a
5 nonremonstrance agreement, to participate in
6 local improvement districts to provide full
7 urban services including water, sewer, storm
8 drainage, and street systems.
- 9 "• Property owners shall agree to connect to the
10 public sewer system when it becomes
11 available.
- 12 "• Prior to issuance of building permits, the
13 property owner shall provide a sketch plan of
14 the property (shadow platting) demonstrating
15 that a new house on the site will not
16 interfere with future urbanization on the
17 site at planned densities. This sketch plan,
18 or shadow plat, shall be recorded with the
19 deed to the property to alert future property
20 owners that the property can be developed at
21 urban densities.
- 22 "• Only one on-site sewer system will be allowed
23 per lot of record with on-site systems
24 prohibited on sites less than 4 acres in
25 size." City Record 2-3.

26 The challenged county decision amends the zoning of the
27 subject 46.3 acres to Future Urbanizable, to allow an
28 expansion of the urban growth boundary of the city to
29 include the land. County Record 3.

30 **FIRST ASSIGNMENT OF ERROR**

31 Petitioner contends the challenged decisions
32 misinterpret Section VII(1) of the NGMA, which provides:

33 "* * * * *

34 "Each application shall include a map and
35 sufficient information to make a decision based on

1 the following factors:

2 "a. Demonstrated need to accommodate long-range
3 urban population growth requirements
4 consistent with LCDC goals;

5 "b. Need for housing, employment opportunities,
6 and livability;

7 "c. Orderly and economic provision for public
8 facilities and services;

9 "d. Maximum efficiency of land uses within and on
10 the fringe of the existing urban area;

11 "e. Environmental, energy, economic and social
12 consequences;

13 "f. Retention of agricultural land as defined,
14 with Class I being the highest priority for
15 retention and Class VI the lowest priority;
16 and,

17 "g. Compatibility of the proposed urban uses with
18 nearby agricultural activities.

19 " * * * * *"²

20 Petitioner discusses each provision separately, but
21 argues with respect to all that because the local governing
22 body's interpretation is inadequate for review, we must
23 remand under Weeks v. City of Tillamook, 117 Or App 449, 844
24 P2d 914 (1992). We do not remand on this basis. The
25 pertinent holding in Weeks applied only to interpretations
26 of local codes. Since the factors listed in Section VII(1)
27 of the NGMA duplicate the Goal 14 "establishment" factors,

²These factors are identical to those listed in Goal 14 (Urbanization), governing the establishment and change of UGBs.

1 they will be interpreted consistently with the goal. We owe
2 no deference to a local governing body's interpretation of a
3 local ordinance that duplicates a state rule, and on that
4 basis alone, there would be no reason to remand for a local
5 interpretation. Forster v. Polk County, 115 Or App 475,
6 478, 839 P2d 241 (1992). Moreover, the holding in Weeks
7 upon which petitioner relies has been superseded by ORS
8 197.829(2).³

9 **A. Goal 14 Factors 1 and 2: Need⁴**

10 Petitioner contends a remand is required because the
11 city and county have not made findings addressing each
12 separate element of the need factors. However, the Court of
13 Appeals and we have previously rejected the argument that
14 Goal 14 factors 1 and 2 (and each element of these factors)
15 are discrete, totally separate criteria. BenjFran
16 Development v. Metro Service Dist., 95 Or App 22, 27, 767
17 P2d 467 (1989); 1000 Friends of Oregon v. Metro Service
18 Dist., 18 Or LUBA 311, 317-19 (1989). If the city and
19 county decisions are correct that projected housing needs

³ORS 197.829(2) states:

"If a local government fails to interpret a provision of its comprehensive plan or land use regulations, or if such interpretation is inadequate for review, [LUBA] may make its own interpretation of whether the local government decision is correct."

⁴Although petitioner's discussion of the factors uses their NGMA designations, their Goal 14 designations are employed here.

1 cannot be accommodated within the existing UGB, the "need"
2 factors are satisfied.

3 The challenged decisions determine the "need" factors
4 are satisfied because two property owners control 314 acres
5 of 747 acres of buildable land zoned R-1 and 134 acres of
6 329 acres of buildable land zoned R-2, and have not made
7 that land available for development. Thus there is a
8 shortage of available land to satisfy projected housing
9 needs.

10 Petitioner argues the present disinclination of the two
11 property owners to develop their residentially zoned
12 property for residential uses does not create a need that
13 justifies expansion of the city's UGB. We agree with
14 petitioner. The "unavailable" buildable land is located at
15 the edge of the UGB. If this land is truly unavailable for
16 development, the UGB should be redrawn to exclude it. Only
17 then will there be a need under Goal 14 factors 1 and 2 that
18 justifies expansion of the UGB to include the property that
19 is the subject of this appeal.

20 This subassignment of error is sustained.⁵

21 **B. Goal 14 Factor 3: Provision for Public Facilities**
22 **and Services**

23 This factor requires that expansion of the UGB be based

⁵Petitioner also contends the challenged decisions fail to show consistency with LCDC goals. This contention is addressed under the third assignment of error.

1 on consideration of "[o]rderly and economic provision of
2 public facilities and services[.]" In other words, there
3 must be adequate plans in place to demonstrate that water
4 and sewerage service can be provided in the future in an
5 orderly manner. 1000 Friends of Oregon v. City of North
6 Plains, 27 Or LUBA 372, 389-90, aff'd 130 Or App 406 (1994);
7 City of LaGrande v. Union County, 25 Or LUBA 52, 60 (1993).

8 In addressing this factor, the challenged decisions find:

9 "Orderly and economic provision of public
10 facilities and services is accomplished with the
11 development of Prospect Park II this summer and
12 the future development of the Crater Lane school
13 site. Water services will be brought to Crater
14 Lane with the development of Prospect Park II.
15 Water can then be extended to the subject
16 properties. The site drains to the west and only
17 the southern portion can be served by gravity
18 sewer along Crater Lane. Development of the
19 school creates the opportunity for construction of
20 a sewage pump station to serve the northern
21 portion of the site." City Record 12-13; County
22 Record 10.

23 We agree with petitioner this finding does not explain
24 what impact, if any, the proposed expansion of the water and
25 sewer systems will have on existing services. It is not
26 enough merely to show a connection can be made. We also
27 agree with petitioner that reliance on the development of a
28 school at an unspecified date is too speculative to satisfy
29 the requirements of this factor.

30 Petitioner also makes a substantial evidence challenge
31 to the finding quoted above. Since the finding itself is
32 inadequate, we do not reach this challenge. See DLCD v.

1 Columbia County, 16 Or LUBA 467, 471 (1988).

2 This subassignment of error is sustained.

3 **C. Goal 14 Factor 4: Maximum Efficiency of Land Uses**

4 This factor requires "the encouragement of development
5 within urban areas before the conversion of urbanizable
6 areas." 1000 Friends/North Plains, supra, 27 Or LUBA at
7 390; Turner v. Washington County, 8 Or LUBA 234, 257 (1982).

8 In addressing this factor, the challenged decisions find:

9 "Development within the UGB provides for maximum
10 efficiency of land uses rather than allowing this
11 area to develop in a rural residential pattern in
12 the county. The more intense urban pattern of
13 development will better utilize costly streets and
14 utilities that must be improved to serve the
15 Crater Lane school site." City Record 13, County
16 Record 10.

17 We agree with petitioner that this finding is
18 inadequate, because it does not explain what efforts were
19 made to encourage development short of expanding the urban
20 growth boundary and why those efforts were unsuccessful.
21 Because the finding is inadequate, we do not reach
22 petitioner's evidentiary challenge.

23 This subassignment of error is sustained.

24 **D. Goal 14 Factor 5: Environmental, Energy, Economic**
25 **and Social (ESEE) Consequences**

26 Goal 14 factor 5 requires consideration of the ESEE
27 consequences of designating land for urban, rather than
28 rural, uses. Knapp v. City of Jacksonville, 20 Or LUBA 189,
29 202 (1990). The challenged decisions make the following
30 findings in response to factor 5:

1 "[1] The site consists primarily of a filbert
2 orchard with no unique features. The trees are
3 old and are in need of replacement for a continued
4 harvest.

5 "[2] Inclusion in the UGB benefits the local
6 economy by adding to the inventory of available
7 buildable land within the City.

8 "[3] There are no inventoried historical sites on
9 the property and no social impacts from the UGB
10 amendment." City Record 13, County Record 10.

11 Petitioner contends these findings fail to address the
12 individual ESEE components of factor 5 with sufficient
13 specificity and are not supported by substantial evidence.
14 We do not reach petitioner's evidentiary challenge, because
15 we agree the findings either do not address the stated
16 considerations or are unacceptably conclusory.⁶ Caine v.
17 Tillamook County 25 Or LUBA 209, 230 (1993).

18 This subassignment of error is sustained.

19 **E. Goal 14 Factor 6: Retention of Agricultural Land**

20 Goal 14 factor 6 is: "Retention of agricultural land as
21 defined, with Class I being the highest priority for
22 retention and Class VI the lowest priority." (Emphasis
23 added.) The challenged decisions conclude retention of
24 agricultural land is not an issue because an exception to
25 Goals 3 and 4 was taken when the county plan was adopted and

⁶The reference to historic sites addresses the protection of a Goal 5 resource. As we explained in Knapp, supra, 20 Or LUBA at 202, the ESEE analysis under Goal 5 is different from that under Goal 14. Goal 5 requires determinations of the ESEE consequences of conflicts between urban uses and identified resources.

1 the subject property was zoned for rural residential use.
2 Petitioner contends the existing zoning of the subject
3 property for residential use and, by implication, the
4 exception to Goal 3, does not determine whether factor 6
5 applies.

6 Because the soils on the subject property are
7 classified as Types II and III and because much of the
8 property is presently in agricultural use, the land would be
9 "agricultural land," as defined by Goal 3, in the absence of
10 a Goal 3 exception.⁷ However, the Goal 3 definition makes
11 clear that land within an acknowledged exception to Goal 3
12 is not "agricultural land." Therefore, the challenged
13 decision is correct that Goal 14 factor 6 does not apply.

14 This subassignment of error is denied.

15 **E. Goal 14 Factor 7: Compatibility of Proposed Urban**
16 **Uses with Nearby Agricultural Activities**

17 The challenged decisions contain the following finding

⁷Goal 3 defines "agricultural land" in Western Oregon as:

"* * * land of predominantly Class I, II, III and IV
soils * * * as identified in the Soil Capability Classification
System of the United States Soil Conservation Service, and
other lands which are suitable for farm use taking into
consideration soil fertility, suitability for grazing,
climactic conditions, existing and future availability of water
for farm irrigation purposes, existing land-use patterns,
technological and energy inputs required, or accepted farming
practices. Lands in other classes which are necessary to
permit farm practices to be undertaken on adjacent or nearby
lands shall be included as agricultural land in any event.
* * * Agricultural land does not include land within
acknowledged urban growth boundaries or land within
acknowledged exceptions to Goals 3 or 4."

1 addressing the Goal 14 factor 7 requirement that
2 consideration be given to "[c]ompatibility of the proposed
3 use with nearby agricultural activities":

4 "This surrounding area cannot be classified as
5 strictly agricultural. It is rural residential
6 due to the many VLDR lots and homes on Chehalem
7 Drive. Chehalem Drive also creates a buffer from
8 agricultural use further to the west." City
9 Record 13, County Record 10.

10 Petitioner's challenges to the adequacy of this finding
11 do not merit discussion. However, we agree with petitioner
12 that the conclusion that Chehalem Drive creates a buffer
13 from petitioner's own farm, located across from the subject
14 property and adjoining Chehalem Drive, is not adequately
15 supported by the evidence. Petitioner contended below that
16 runoff from the subject property could have negative impacts
17 on his farm if the proposed UGB expansion were allowed.
18 City Record 105. The above-quoted finding neither addresses
19 the issue raised by petitioner below, nor explains what
20 facts the city believed and relied upon in reaching its
21 conclusion that Goal 14 factor 7 is satisfied. See
22 Sunnyside Neighborhood v. Clackamas Co. Comm., 280 Or 3, 20-
23 21, 569 P2d 1063 (1977).

24 This subassignment of error is sustained.

25 The first assignment of error is sustained, in part.

26 **SECOND ASSIGNMENT OF ERROR**

27 Petitioner contends the challenged decision does not
28 meet the requirements of the City of Newberg Zoning

1 Ordinance (NZO) 606(2)(A). NZO 606(2) provides, in relevant
2 part:

3 "At such time as the council considers the
4 decision of the planning commission and other
5 relevant information, the council may take one of
6 the following actions:

7 "A. If the proposal satisfied the objectives, the
8 council shall enact an ordinance amending the
9 regulation of this ordinance or the zoning
10 classification, citing affirmative findings
11 that:

12 "(1) The proposed change is consistent with
13 and promotes the objectives of the
14 Comprehensive Plan and of the Zoning
15 Ordinance of the city;

16 "(2) There is a public need for a change of
17 the kind in question; and

18 "(3) The need will be best served by changing
19 the classification of the particular
20 piece of property in question as
21 compared with other available property.

22 "* * * * *"

23 **A. NZO 606(2)(A)(1)**

24 The city's decision finds, with respect to NZO
25 606(2)(A)(1):

26 "[Newberg Comprehensive Plan (NCP)] Air, Water and
27 Land Resource Policy 3 and Public Facilities and
28 Services policies are satisfied in that the
29 property can be served by public facilities with
30 extension of a water line up Crater Lane and by
31 development of a sewage pump station along
32 Chehalem Drive."

33 Petitioner lists a number of NCP policies that he
34 contends are applicable and that the city's decision does

1 not address. Because we are remanding for further
2 proceedings in any event, we decline to interpret the NCP to
3 determine which policies are applicable. On remand, the
4 city must identify which, if any, of the policies listed by
5 petitioner apply to the proposed UGB expansion, explain why
6 those policies not identified do not apply, and explain why
7 those policies that do apply are satisfied. See Lamm v.
8 City of Portland, 28 Or LUBA 468, 473 (1995).

9 Petitioner makes a specific challenge to the finding
10 that Air, Water and Land Resource Policy 3 is satisfied.
11 Air, Water and Land Resource Policy 3 provides:

12 "As public sanitary sewer systems become
13 available, all development shall connect to the
14 public system. To encourage economic development,
15 the City may permit subsurface sewerage disposal
16 where the system meets State and County
17 requirements and where unique circumstances
18 exist."

19 We see no inconsistency between the city's
20 determination that the subject property can be served by
21 public facilities upon the extension of a water line and the
22 development of a sewage pump station, and the code
23 requirement that all development shall connect to the public
24 sewer system as such systems "become available." Neither do
25 we agree with petitioner that the above-quoted finding
26 permits subsurface sewerage disposal.

27 Petitioner's final argument, addressing water quality,
28 is not sufficiently developed to permit review. See
29 Deschutes Development v. Deschutes Cty., 5 Or LUBA 218

1 (1982).

2 This subassignment of error is sustained, in part.

3 **B. NZO 606(2)(A)(2)**

4 The city addresses the "public need" criterion by
5 incorporating by reference the findings made with respect to
6 the Goal 14 "establishment" factors. In his challenge to
7 the city's NZO 606(2)(A)(2) finding, petitioner refers to
8 NZO "606(1)(A)(1)," a code section that apparently does not
9 exist, and states the "city makes no findings regarding
10 public need in the 'Section A' it refers to." Petition for
11 Review 37. We do not dwell on petitioner's argument; since
12 Goal 14 factors 1 and 2 require a showing of need, which
13 could reasonably be viewed as synonymous with "public need,"
14 we defer to the city's interpretation of its own ordinance.
15 Clark v. Jackson County, 313 Or 508, 514-15, 836 P2d 710
16 (1992); ORS 197.829(1).

17 This subassignment of error is denied.

18 **C. NZO 606(2)(A)(3)**

19 The city's finding addressing NZO 606(2)(A)(3) contains
20 the following explanation of why the subject property will
21 best serve the "public need":

22 "This specific area of the City provides a logical
23 expansion of the UGB provided the location of the
24 Crater Lane school site and its imminent [sic]
25 development given passage of the school bond
26 measure. As noted in the facts, this area is
27 being studied as a potential urban reserve area."
28 City Record 15-16.

29 We agree with petitioner that the city has failed to

1 complete the alternative sites analysis that NZO
2 606(2)(A)(3) requires.

3 This subassignment of error is sustained.

4 The second assignment of error is sustained, in part.

5 **THIRD ASSIGNMENT OF ERROR**

6 Petitioner contends the challenged decisions fail to
7 apply the Statewide Planning Goals (goals) to the proposed
8 UGB amendment. According to petitioner, Goals 2, 5, 10, 11
9 and 12 are applicable and were not applied.

10 **A. Goal 2 (Land Use Planning)⁸**

11 Petitioner contends the challenged decisions contain no
12 findings "proving" that exceptions were taken to Goals 3 and
13 4 or explaining the nature of those exceptions, if taken,
14 and therefore the exceptions cannot be relied upon to
15 justify rezoning the subject property to R-1 or R-2, which
16 permit higher residential densities than the existing VLDR
17 zoning. Petitioner maintains that the VLDR zone
18 specifically encourages small-scale agriculture, while the
19 R-1 and R-2 zones do not. Petitioner contends that if an
20 exception was taken to Goals 3 and 4, it was to allow rural,
21 not urban, residential densities.

22 The challenged decisions find:

23 "Exceptions to statewide planning goals are not
24 required by this request because the site was

⁸Petitioner does not assign error to the failure of both city and county decisions to take an exception to Goal 14. See OAR 660-04-010(1)(c)(B).

1 granted an exception to agricultural and resource
2 goals at the time the County comprehensive plan
3 was acknowledged. As noted previously, the area
4 is designated for very low density residential
5 VLDR use on the County comprehensive plan. This
6 designation by the county required the exception
7 to agricultural goals." City Record 14; County
8 Record 11.

9 Petitioner argues the findings are inadequate to show
10 compliance with OAR 660-04-018, which provides:

11 "(1) * * * Exceptions to one goal or a portion of
12 one goal do not relieve a jurisdiction from
13 remaining goal requirements and do not
14 authorize uses or activities other than those
15 recognized or justified by the applicable
16 exception. Physically developed and
17 irrevocably committed exceptions * * * are
18 intended to recognize and allow continuation
19 of existing types of development in the
20 exception area. Adoption of plan and zoning
21 provisions which would allow changes in
22 existing types of uses requires application
23 of standards outlined in this rule.

24 "* * * * *"

25 Although the existing rural residential zoning compels
26 the conclusion that exceptions to Goals 3 and 4 were indeed
27 taken at some point, we agree with petitioner that nothing
28 in the challenged decisions explains the nature of those
29 exceptions or demonstrates compliance with OAR 660-04-018.
30 See Gruber v. Lincoln County, 16 Or LUBA 456, 461-64 (1988)
31 (where county determines rezone proposal would create urban
32 densities in rural residential zone, compliance with OAR
33 660-04-018(2) is required). See also Leonard v. Union
34 County, 15 Or LUBA 135, 138 (1986).

1 This subassignment of error is sustained.

2 **B. Goal 5 (Natural Resources)**

3 Petitioner contends Goal 5 is applicable to the
4 proposed comprehensive plan and zoning map amendments. It
5 is not obvious to us that Goal 5 does not apply. The
6 challenged decision neither makes findings addressing Goal 5
7 nor explains why Goal 5 is not applicable. It must. See
8 ODOT v. City of Newport, 23 Or LUBA 408, 411 (1992).

9 This subassignment of error is sustained.

10 **C. Goal 10 (Housing)**

11 Petitioner's arguments with respect to Goal 10 are not
12 sufficiently developed to permit review. Deschutes
13 Development, supra.

14 This subassignment of error is denied.

15 **D. Goal 11 (Public Facilities and Services)**

16 Petitioner contends the city and county findings
17 addressing Goal 11 are inadequate because they do not (1)
18 address whether the application meets the criteria
19 established by Newberg Comprehensive Plan Section II(L)
20 (Public Facilities and Services); (2) identify the type,
21 locations and delivery of public facilities and services
22 that best support the existing and proposed land use; (3)
23 fail to meet the specific criteria in Goal 11, such as
24 timely, orderly and efficient arrangement of public
25 facilities and services; (4) fail to discuss public
26 facilities and services other than sewer or water, such as

1 transportation, utilities, fire, and police; and (5) state
2 unequivocally that facilities and services will be provided,
3 but only that they can be provided.⁹

4 The challenged decisions address Goal 11 as follows:

5 "Goal 11 is satisfied through the ability to serve
6 the property with public facilities. Water
7 service is * * * available from Crater Lane and a
8 sewer pump station will need to be provided in the
9 area to serve the school site and the subject
10 site." City Record 14; County Record 11.

11 Although these findings are admittedly sparse, most of
12 petitioner's objections seem to elevate form over substance

⁹Goal 11 is:

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

** * * * *

"A Timely, Orderly and Efficient Arrangement -- refers to a system or plan that coordinates the type, locations and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.

** * * * *

"Urban Facilities and Services -- refers to key facilities and to appropriate types and levels of at least the following: police protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services, recreation facilities and services; energy and communications services; and community governmental services.

"Public Facilities Plan -- A public facility plan is a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plan or plans within an urban growth boundary containing a population greater than 2,500."

1 or go beyond the requirements of Goal 11, and do not merit
2 discussion. Petitioner contends, finally, that to satisfy
3 Goal 11, "contracts or other agreements" must be "in place
4 to provide the necessary services * * *." Petition for
5 Review 48. We disagree. However, we agree with petitioner
6 that Goal 11 requires consideration be given to all public
7 utilities and services, not just sewer and water, and that
8 findings be made with respect to each.

9 This subassignment of error is sustained.

10 **E. Goal 12 (Transportation)**

11 The challenged decisions contain the following findings
12 regarding Goal 12:

13 "Goal 12 is currently being addressed by the City
14 through the adoption of the City's transportation
15 system plan. This area of the City is well served
16 by collector streets and Chehalem Drive, which is
17 a county arterial. The area is served by
18 extensions of Mountainview and Foothills. Both
19 are identified as collector streets in the City's
20 transportation plan." City Record 14; County
21 Record 12.

22 Petitioner contends these findings are inadequate for a
23 number of reasons. As far as we can tell, most of
24 petitioner's arguments are based on the premise that in
25 determining compliance with Goal 12, the city should have
26 evaluated the comprehensive plan and zoning map amendments
27 under the city's own comprehensive plan transportation
28 policies. Petitioner also contends that the proposal fails
29 to satisfy OAR 660-12-045, which he calls "the
30 Transportation Planning Rule." Petition for Review 48.

1 The findings quoted above are not deficient for the
2 reasons petitioner states. Findings under the Statewide
3 Planning Goals are not required to address local
4 comprehensive plan policies. OAR 660-12-045 governs the
5 implementation of transportation system plans (TSPs). The
6 deadline for the completion of TSPs for areas outside a
7 Metropolitan Planning Organization planning area is May 8,
8 1997. OAR 660-12-055(2). It is safe to assume the TSP for
9 the city and county was not implemented in 1993, when the
10 challenged decisions were made.

11 This subassignment of error is denied.

12 The third assignment of error is sustained, in part.

13 The city's and county's decisions are remanded.