

Argued and submitted January 16, 2013, reversed and remanded for further
action consistent with the principles expressed in this opinion
February 20, 2014

BARKERS FIVE, LLC;
Sandy Baker; City of Tualatin; City of West Linn;
Carol Chesarek; Cherry Amabisca; Save Helvetia;
Robert Bailey; 1000 Friends of Oregon; Dave Vanasche;
Bob VanderZanden; Larry Duyck; Springville Investors, LLC;
Katherine Blumenkron; David Blumenkron;
Metropolitan Land Group; Chris Maletis; Tom Maletis;
Exit 282A Development Company, LLC; LFGC, LLC;
Elizabeth Graser-Lindsey; and Susan McKenna,
Petitioners,

v.

LAND CONSERVATION AND
DEVELOPMENT COMMISSION,
Metro, Washington County, Clackamas County,
Multnomah County, State of Oregon, and City of Hillsboro,
Respondents.

Land Conservation and Development Commission
12ACK001819; A152351

323 P3d 368

This case concerns the designation of urban and rural reserves in the Portland metropolitan area that will guide its growth until 2060. Metro, in conjunction with Clackamas, Multnomah, and Washington counties, designated such reserves under a new process that had been established by the 2007 Legislative Assembly in Senate Bill 1011. In June 2010, Metro and the counties submitted their designation to the Land Conservation and Development Commission (LCDC) for review. Ultimately, in August 2012, LCDC issued its 156-page, single-spaced acknowledgment order. Twenty-two petitioners sought judicial review of that order, raising 25 assignments of error. Simply stated, petitioners contended that LCDC's order is unlawful in substance because, in reviewing Metro and the counties' designation, LCDC misapplied the legal principles governing the designation of urban and rural reserves and circumscribing its review. *Held:* The Court of Appeals rejected petitioners' contentions pertaining to, among other things, (1) the validity of the rules governing the designation of urban and rural reserves in this case (OAR chapter 660, division 27); (2) Metro's authority to designate reserves outside of its service district boundary; (3) whether too much land was designated as urban reserve under OAR 660-027-0040(2); and (4) whether the designation complies with particular Statewide Planning Goals. The court also upheld nine fundamental legal premises underlying LCDC's review of the designation—that is, legal premises concerning (1) Metro and the counties' "consideration" and "application" of the reserve factors in the governing statutes, ORS 195.137 to 195.145, and rules, OAR chapter 660, division 27, and