12. Goal 8 – Recreational Needs. Where the Court of Appeals determines that LUBA's decision was "unlawful in substance" pursuant to ORS 197.850(9)(a) because LUBA affirmed the city's interpretation of Goal 8, Policy 1, and according to the court, the city's interpretation of Goal 8, Policy 1 is not affirmable under ORS 197.829(1) because the city's interpretation does not "plausibly account for the text and context of the policy," the appropriate disposition according to OAR 661-010-0071(2)(d) is for LUBA to remand the decision to the city for further proceedings, specifically for the city to adopt a sustainable interpretation of Goal 8, Policy 1, and apply that policy, as interpreted to the application before it. *Crowley v. City of Hood River*, 79 Or LUBA 77 (2019).

12. Goal 8 – Recreational Needs. ORS 197.435(5)(b) defines overnight lodgings, which are required at destination resorts. The overnight lodgings described in the first sentence of ORS 197.435(5)(b) are owned by the destination resort, whereas the "individually owned units" described in the second sentence of ORS 197.435(5)(b) are overnight lodgings that are not owned by the destination resort. Neither the resort-owned overnight lodgings authorized by the first sentence nor the individually owned overnight lodgings authorized by the second sentence must be "separately" owned. *Central Oregon Landwatch v. Deschutes County*, 76 Or LUBA 6 (2017).

12. Goal 8 – Recreational Needs. To qualify as a "separate rentable unit for overnight lodging" within the meaning of ORS 197.445(4), which requires a minimum number of overnight lodging units at destination resorts, a bedroom in an individually (privately) owned cabin with its own bathroom and lockable interior and exterior doors must actually be a "separate unit." The fact that the bedroom may be a "separately rentable accommodation" as described in the first sentence of ORS 197.435(5)(b)'s definition of "overnight lodgings" is irrelevant, since the first sentence of ORS 197.435(5)(b) governs overnight lodgings that are owned by the destination resort, not individually (privately) owned overnight lodgings. *Central Oregon Landwatch v. Deschutes County*, 76 Or LUBA 6 (2017).

12. Goal 8 – Recreational Needs. The purpose of the destination resort statutes is to ensure that the statutory minimum number of overnight lodging units is actually available to tourists seeking to use destination resort facilities and that the maximum 2.5 residences to each overnight lodging unit ratio is preserved. *Central Oregon Landwatch v. Deschutes County*, 76 Or LUBA 6 (2017).

12. Goal 8 – Recreational Needs. The Goal 8 (Recreation Needs) adoption history shows the purpose of the second sentence of ORS 197.435(5)(b), which authorizes individually owned overnight lodging units at destination resorts, was to allow individually owned homes to be counted as overnight lodging units in very limited circumstances. *Central Oregon Landwatch, v. Deschutes County* 76 Or LUBA 6 (2017).

12. Goal 8 – Recreational Needs. A city is not required to adopt findings addressing Goal 8 when adopting a zoning ordinance amendment to prohibit and strictly regulate transient occupancy vacation rentals where the city's comprehensive plan includes no indication that the city relied on transient occupancy vacation rental dwellings to meet its Goal 8 "recreational facilities" obligations under Goal 8. *Whittemore v. City of Gearhart*, 75 Or LUBA 374 (2017).

12. Goal 8 – Recreational Needs. Notwithstanding that the destination resort statutes at ORS 197.435 to 197.467 do not expressly authorize expansion of an existing destination resort, the statutes expressly allow destination resorts to be developed in phases, and therefore a proposal to expand an existing resort by adding the equivalent of a second phase that otherwise complies with all applicable approval criteria is consistent with the destination resort statutes. *Central Oregon Landwatch v. Deschutes County*, 74 Or LUBA 540 (2016).

12. Goal 8 – Recreational Needs. Where the applicant for a proposal to expand an existing destination resort relies upon "lockoff rooms" in the existing resort in combination with new lockoff rooms to satisfy the statutory requirement to provide at least 150 overnight lodging units, at a ratio of residential to lodging units that does not exceed 2.5 to 1, a petitioner's challenge to that proposal is not a collateral attack against the existing resort. *Central Oregon Landwatch v. Deschutes County*, 74 Or LUBA 540 (2016).

12. Goal 8 – Recreational Needs. Lockoff rooms, individual bedrooms in a single-family dwelling, are not "individually owned units" for purposes of the destination resort statute at ORS 197.435(5)(b), because individual bedrooms in a dwelling are not "individually owned." *Central Oregon Landwatch v. Deschutes County*, 74 Or LUBA 540 (2016).

12. Goal 8 – Recreational Needs. Renting individual bedrooms in a house, with common areas and kitchen facilities, does not qualify as providing "overnight lodgings" required in a destination resort, because renting individual rooms in a house is similar to providing accommodations in dormitory rooms, and ORS 197.435(5)(b) provides that "dormitory rooms and similar accommodations do not qualify as "overnight lodgings." *Central Oregon Landwatch v. Deschutes County*, 74 Or LUBA 540 (2016).

12. Goal 8 – Recreational Needs. 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).

12. Goal 8 – Recreational Needs. The Goal 8 requirement that local governments shall plan to meet recreational needs "in coordination with private enterprise" is probably intended to require coordination with private recreational services and facilities, not general business or industrial enterprises. Failure of a city to meet with the owners of industrial parcels prior to planning a new regional trail through those parcels does not violate the Goal 8 coordination requirement, where the city conducted an extensive public outreach with property owners in the area and petitioners cite no reason why the parcel owners could not have participated in that outreach. *Terra Hydr Inc. v. City of Tualatin*, 68 Or LUBA 279 (2013).

12. Goal 8 – Recreational Needs. Under ORS 197.455(2), the map of lands eligible for destination resort siting that is adopted pursuant to the mapping criteria at ORS 197.455(1) is the "sole basis" for determining whether land is eligible for resort siting, and those mapping criteria are not revisited at the time of destination resort siting. Nonetheless, three of the ORS 197.455(1) mapping

criteria include prohibitions and exceptions focused on the specifics of resort development that are difficult to meaningfully address at the mapping stage. *Central Oregon Landwatch v. Deschutes County,* 66 Or LUBA 192 (2012).

12. Goal 8 – Recreational Needs. Nothing in the destination resort statutes prohibits a county from placing a site that is classified Fire Regime Condition Class 3 on its map of lands eligible for destination resort siting, as long as conditions or similar restrictions are imposed as part of the mapping decision that effectively ensure that prior to resort development the county has adopted a wildfire protection plan consistent with ORS 197.455(1)(f). *Central Oregon Landwatch v. Deschutes County*, 66 Or LUBA 192 (2012).

12. Goal 8 – Recreational Needs. Where the county adds a site to its map of lands eligible for destination resort siting, concludes based on site-specific traffic studies that destination resort development will significantly affect nearby transportation facilities within the meaning of OAR 660-012-0060, identifies the transportation improvements needed to ensure that allowed land uses are consistent with the performance standards of affected facilities, and requires the destination resort applicant to provide those improvements prior to development, the county has not deferred a determination of compliance with OAR 660-012-0060, but instead complied with the rule. That the county prudently imposed conditions requiring a second analysis and requiring additional improvements if needed at the time of development does not constitute an impermissible deferral of compliance with OAR 660-012-0060. *Central Oregon Landwatch v. Deschutes County*, 66 Or LUBA 192 (2012).

12. Goal 8 – Recreational Needs. In concluding that a decision adding a site to the county's map of lands eligible for destination resort development complies with the Transportation Planning Rule, the county may "adopt" measures demonstrating that allowed land uses are consistent with the performance standard of affected transportation facilities within the meaning of OAR 660-012-0060(2)(a) by adopting conditions requiring that the destination resort applicant pay for and provide transportation improvements prior to resort development, and need not require that the improvements be in place on the date the county adds the site to its map of eligible lands. *Central Oregon Landwatch v. Deschutes County*, 66 Or LUBA 192 (2012).

12. Goal 8 – Recreational Needs. The requirement at ORS 197.460(4) that an applicant for destination resort siting provide a traffic study that includes measures to mitigate a proportionate share of adverse impacts on transportation facilities is different from, and does not replace, the obligation to evaluate transportation impacts under OAR 660-012-0060 in amending the comprehensive plan map of lands eligible for destination resort siting. While a county might err if it relied entirely on ORS 197.460(4) to ensure compliance with OAR 660-012-0060, there is no error in citing ORS 197.460(4) as an additional basis to conclude that OAR 660-012-0060 is satisfied. *Central Oregon Landwatch v. Deschutes County*, 66 Or LUBA 192 (2012).

12. Goal 8 – Recreational Needs. Where a local government rezones private property that once supported a private golf course, but which is not in the local government's park plan or Goal 8 inventory, Goal 8 does not require the local government to consider acquisition of that property to establish a new public golf course to satisfy a "recreational golf need." *Smith v. City of Salem*, 61 Or LUBA 87 (2010).

12. Goal 8 – Recreational Needs. OAR 660-034-0040(4), governing local park planning, clearly provides that "some" of the listed park uses permitted in a local park on EFU land require an exception to Goal 3, in the absence of a local master park plan. However, the rule is profoundly ambiguous regarding which of the listed park uses require an exception in the absence of a local master park plan. *Linn County Farm Bureau v. Linn County*, 61 Or LUBA 323 (2010).

12. Goal 8 – Recreational Needs. A self-contained development providing visitor-oriented accommodations and developed recreational facilities, including a golf course, that a county previously approved as a "destination resort" under Goal 8 is a "destination resort" as that term is used in Goal 8 and under ORS 197.435 through 197.467. *Friends of Marion County v. Marion County*, 59 Or LUBA 323 (2009).

12. Goal 8 – Recreational Needs. The standards for approving a destination resort under Goal 8 and ORS 197.435 through 197.467 function as a "safe harbor" that allows local governments to approve resorts that meet minimum standards, without the necessity of adopting exceptions to Goals 11 and 14. However, the statutory process is not the only means of approving a destination resort, and counties continue to have the option of approving a destination resort subject to exceptions to Goals 3, 4, 11 and 14. *Friends of Marion County v. Marion County*, 59 Or LUBA 323 (2009).

12. Goal 8 – Recreational Needs. OAR chapter 660, division 034 governs "State and Local Park Planning." Where a local comprehensive plan recreation element is being adopted or amended in part to implement particular local park master plans, the detailed planning requirements of OAR 660-34-0040(1)(a) and (b) would apply. But OAR 660-34-0040(1)(a) and (b) do not apply when adopting comprehensive plan provisions that establish a city's policy for how it will decide how many acres it will devote to parks, what kinds of parks it will build and when it will build them. *Home Builders Assoc. v. City of Eugene*, 52 Or LUBA 341 (2006).

12. Goal 8 – Recreational Needs. OAR 660-034-0040(1) leaves local governments the option of including any existing park master plans for particular parks in their comprehensive plan. However, OAR 660-034-0040(1) does not make all comprehensive planning for parks and recreation under Goal 8 optional. *Home Builders Assoc. v. City of Eugene*, 52 Or LUBA 341 (2006).

12. Goal 8 – Recreational Needs. Any parks and recreation planning obligation that is imposed by the ORS 197.015(6) definition of "comprehensive plan" does not necessarily have to "indicate specific locations of any [recreational] area, activity or use." *Home Builders Assoc. v. City of Eugene*, 52 Or LUBA 341 (2006).

12. Goal 8 – Recreational Needs. Goal 8 is "[t]o satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts." While it might be consistent with Goal 8 to do so, Goal 8 does not mandate that comprehensive plans include a list of park, open space and recreation facilities that will be constructed during the planning period or include an estimate of the costs of such facilities. *Home Builders Assoc. v. City of Eugene*, 52 Or LUBA 341 (2006).

12. Goal 8 – Recreational Needs. While Goal 8 requires a city to plan for recreational facilities consistent with availability of resources, nothing in Goal 8 requires a city to fully fund identified recreational improvements, or ensure that those improvements are available concurrently with projected growth. *NWDA v. City of Portland*, 47 Or LUBA 533 (2004).

12. Goal 8 – Recreational Needs. Where ORS 197.435 requires that the county locate and exclude all high value crop areas from a destination resort zone overlay and the county's analysis of the high value crop areas is limited to farms that actually demonstrated the ability to grow high value crops, rather than those capable of producing them, the county's analysis is inconsistent with Goal 8 and the statute. *Boyer v. Baker County*, 35 Or LUBA 223 (1998).

12. Goal 8 – Recreational Needs. The statutory order of operations for confirming that a destination resort overlay amendment meets the requirements of Goal 8 and ORS 197.435(2) is to first map the concentrations of commercial farms and then determine which farms could produce the requisite $1,000 per-acre per-year yield. *Boyer v. Baker County*, 35 Or LUBA 223 (1998).

12. Goal 8 – Recreational Needs. A destination resort overlay zone based on the mapping and excluding of all high value farmland by definition also excludes "unique or prime farmland" as defined in ORS 197.455(1). *Boyer v. Baker County*, 35 Or LUBA 223 (1998).

12. Goal 8 – Recreational Needs. When LUBA reviews a post-acknowledgment comprehensive plan or land use regulation amendment for compliance with Goal 8, the relevant concern is whether the amendment has direct or secondary effects on "recreation areas, facilities and opportunities" inventoried and designated by the acknowledged plan to meet the local government's recreational needs. Goal 8 does not require that there will be no adverse effects on any recreational activity occurring in the vicinity of the proposed amendment. *Salem Golf Club v. City of Salem*, 28 Or LUBA 561 (1995).

12. Goal 8 – Recreational Needs. Where a proposed transportation facility includes open space and pedestrian and bicycle facilities to satisfy comprehensive plan policies implementing Goal 8, petitioner's speculation that those facilities might be eliminated in the future in favor of more traffic lanes provides no basis for reversal or remand. Such changes would require a plan amendment and a demonstration that the altered facility complies with the plan policies. *Friends of Cedar Mill v. Washington County*, 28 Or LUBA 477 (1995).

12. Goal 8 – Recreational Needs. Where an acknowledged comprehensive plan inventories certain property as a county park available to meet present and future recreational needs and includes a policy requiring that such property be designated and zoned for recreational use, it is inconsistent with Goal 8 to interpret the plan to allow changing the designation and zoning of that property to non-recreational uses without amending the plan text and demonstrating the amended plan remains in compliance with Goal 8. *Sahagian v. Columbia County*, 27 Or LUBA 592 (1994).