

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goal 9 does not require local governments to accommodate any and all economic activities, or prevent local governments from restricting some economic activity based on a balancing of competing economic interests or other policy objectives. *Columbia Pacific v. City of Portland*, 76 Or LUBA 15 (2017).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goal 14 and OAR 660-024-0060(5) allow local governments to specify “size, topography or proximity” as site suitability characteristics and to limit consideration of alternative sites to land that has the specified characteristics. But OAR 660-024-0060(5) does not provide local governments with authority to geographically limit the scope of the required alternatives analysis to “subregions,” a practice that was invalidated by *Residents of Rosemont v. Metro*, 173 Or App 321, 21 P3d 1108 (2001), and *City of West Linn v. LCDC*, 200 Or App 269, 113 P3d 935, *rev den*, 339 Or 609 (2005). *DLCD v. City of Klamath Falls*, 76 Or LUBA 130 (2017).

13. Goal 9 – Economy of the State/ Goal 9 Rule. It is one thing to say the alternative sites for meeting an identified short-term subregional need for jobs or shopping opportunities must be located within a specified “proximity” of the shoppers and potential employees that generate the identified need or that alternative sites for meeting that need must be within some stated “proximity” of necessary or supporting improvements. But it is quite another thing to say that the short-term, subregional need for jobs and shopping opportunities can only be satisfied on lands that are located within the subregion. The most obvious flaw in that latter reasoning is that for some of those subregional shoppers and potential employees near the boundaries of the subregion, lands in adjoining subregions will be closer (more proximate) than at least some of the more distant lands inside the subregion. *DLCD v. City of Klamath Falls* 76 Or LUBA 130 (2017).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A site suitability characteristic that property must be 22 acres in size to allow development of a “Lifestyle Center” is not appropriate under Goal 14 and OAR 660-024-0060(5), where the city fails to explain why a general subregional need for between 27 and 37.9 acres of land for commercial development must be satisfied by the “Lifestyle Center” proposed by the UGB amendment applicant on a single 22-acre site. *DLCD v. City of Klamath Falls*, 76 Or LUBA 130 (2017).

13. Goal 9 – Economy of the State/ Goal 9 Rule. The fourth paragraph of Goal 9 (Economic Development) does not require that uses near all lands zoned commercial or industrial must be limited to compatible uses. That compatibility requirement only applies “where the local government has designated certain commercial or industrial zoned land for specific commercial or industrial uses with special site requirements.” *Land Watch of Lane County v. Lane County*, 74 Or LUBA 76 (2016).

13. Goal 9 – Economy of the State/ Goal 9 Rule. In amending a transportation systems plan (TSP) to locate a bypass through an industrial area, a local government is not obligated to adopt findings regarding the post-amendment adequacy of its inventory of commercial and industrial lands, where the acknowledged zoning district that applies to those lands already anticipates that at least some of those lands may be used for transportation facilities. *Land Watch of Lane County v. Lane County*, 74 Or LUBA 76 (2016).

13. Goal 9 – Economy of the State/ Goal 9 Rule. The OAR 660-024-0040(9)(a) safe harbor permits local government to “estimate that the current number of jobs in the urban area” will grow at a rate based on “the most recent forecast published by the Oregon Employment Department.” A county errs by amending its UGB in 2015, based on OAR 660-024-0040(9)(a), but using the pre-2008 recession number of jobs rather than the 2015 number of jobs. *Land Watch of Lane County v. Lane County*, 74 Or LUBA 76 (2016).

13. Goal 9 – Economy of the State/ Goal 9 Rule. The OAR 660-024-0040(9)(a) safe harbor does not preclude taking into account additional demand for employment land that may be generated by regional forces that may have little or nothing to do with a city’s population growth. The Goal 9 rule, OAR 660-009-0015 (1) and (2), expressly permits such considerations. *Land Watch of Lane County v. Lane County*, 74 Or LUBA 76 (2016).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Petitioner has the burden of demonstrating error in the decision on appeal. Where LUBA cannot understand either petitioner’s or respondent’s arguments on a subassignment of error, LUBA will deny the subassignment of error. *Land Watch of Lane County v. Lane County*, 74 Or LUBA 76 (2016).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A city must rely on its acknowledged Goal 9 inventory and Goal 9 elements to demonstrate that after a proposed plan amendment the city’s comprehensive plan continues to comply with Goal 9, and the city cannot rely instead upon an unacknowledged economic opportunities analysis to make that demonstration. *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1 (2013).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Amendments that adopt new site design or similar development standards for commercial or industrial uses can trigger an obligation to evaluate the adequacy of a city’s Goal 9 inventory only if (1) the amendments physically reduce the acreage of land in the Goal 9 inventory, or (2) threaten to convert lands inventoried for Goal 9 uses to uses not protected by the goal. *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1 (2013).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A Metro regional trail that is 22 miles long and includes a multi-use pathway, trailheads, parking, restrooms, shelters, picnic areas, interpretative and educational facilities etc. can constitute a “park” that is prohibited in regionally significant industrial areas, where the proposed trail falls within the broad definition of “park” as defined in the Metro Code, and treating the regional trail as a “park” is consistent with Metro Framework Plan provisions intended to protect regionally significant industrial areas from public amenities intended to serve persons other than workers or residents in the industrial area. *Terra Hydr Inc. v. City of Tualatin*, 68 Or LUBA 279 (2013).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A Metro regional trail that includes a multi-use pathway, trailheads, parking, restrooms, shelters, picnic areas, interpretative and educational facilities etc. can constitute a “park” that is prohibited in a city industrial zone, where the proposed trail falls within the broad code definition of “park.” That the industrial zone allows bicycle and pedestrian paths in greenways and natural areas does not mean that the proposed regional trail is allowed in the industrial zone, where the trail is not located in a greenway or natural area and is

more than a bicycle and pedestrian path. *Terra Hydr Inc. v. City of Tualatin*, 68 Or LUBA 279 (2013).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A Metro regional trail that is 22 miles long, connects rivers, parks and natural areas, and includes a number of recreational and educational facilities, is most accurately characterized as a “park” for purposes of a Metro Plan prohibition on parks in regionally significant industrial areas, rather than a transportation facility or “public facility” that is allowed in industrial areas, where the regional trail is not intended to provide transportation for the residents and workers of the industrial area, but is primarily a community recreational amenity. *Terra Hydr Inc. v. City of Tualatin*, 68 Or LUBA 279 (2013).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Where petitioner makes no attempt to identify specific or general vacation rental dwelling licensing requirements that might have Goal 9 implications, and any Goal 9 impacts of applying those licensing requirements to annexed property appear to be highly speculative and indirect, LUBA will reject petitioner’s argument that it was error for the city to fail to adopt findings addressing Goal 9 to support its legislative annexation decision. *Roads End Water District v. City of Lincoln City*, 67 Or LUBA 452 (2013).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goal 9 requires local governments to provide adequate opportunities for a variety of economic activities, but does not require local governments to protect one type of economic activity against impacts created by other economic and non-economic uses. Goal 9 does not require that ODOT, in adopting higher mobility standards for state highways, address in its findings whether increased congestion from development allowed under the higher mobility standards will adversely affect existing economic activity. *Setniker v. ODOT*, 66 Or LUBA 54 (2012).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goals 9 and 10 do not apply to a city decision on a conditional use application for a single family dwelling, and the city is not obligated to consider whether denying the conditional use application impacts the city’s obligations under Goals 9 and 10 to maintain adequate inventories of commercially, industrially and residentially zoned lands. *Rudell v. City of Bandon*, 64 Or LUBA 201 (2011).

13. Goal 9 – Economy of the State/ Goal 9 Rule. ORS 197.829(1)(d) authorizes LUBA to reject an interpretation of a comprehensive plan provision or land use regulation that implements a statute, land use goal or rule, if the interpretation is contrary to a state statute, land use goal or rule that the comprehensive plan provision or land use regulation implements. ORS 197.829(1)(d) is not a vehicle to allow LUBA to reverse an interpretation of a code definition that implements and is consistent with Goal 18, based on arguments that if that interpretation is applied in other cases it might impact the adequacy of the city’s Goal 9 and 10 inventories of commercial, industrial and residential lands. *Rudell v. City of Bandon*, 64 Or LUBA 201 (2011).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Where petitioners argue the city erroneously assumed that future industrial development would result in 10 employees per acre in arriving at an estimate of the gross buildable acres needed, but it is clear from the city’s findings that its estimate of gross buildable acres needed did not rely on that assumption, petitioner’s assignment of error

provides no basis for reversal or remand. *Friends of Yamhill County v. City of Newberg*, 62 Or LUBA 5 (2010).

13. Goal 9 – Economy of the State/ Goal 9 Rule. As defined by OAR 660-009-0005(11), site characteristics “means the attributes of a site necessary for a particular industrial or other employment use to operate.” OAR 660-009-0015(2) directs that identification of needed industrial sites in an economic opportunities analysis is to be “based on the site characteristics typical of expected uses.” The choice of the word “typical” in OAR 660-009-0015(2) strongly suggests that LCDC intended the word “necessary” in OAR 660-009-0005(11) to mean something other than “cannot be done without.” While “typical” attributes would likely include those attributes that are absolutely necessary to construct and operate a business, “typical” attributes would also likely include those attributes that while not “necessary,” in the dictionary sense of the word, are nevertheless typically required for a business to operate successfully. *Friends of Yamhill County v. City of Newberg*, 62 Or LUBA 5 (2010).

13. Goal 9 – Economy of the State/ Goal 9 Rule. As defined by OAR 660-009-0005(11), site characteristics “means the attributes of a site necessary for a particular industrial or other employment use to operate.” OAR 660-009-0015(2) directs that identification of needed industrial sites in an economic opportunities analysis is to be “based on the site characteristics typical of expected uses.” A site characteristic may be listed in an economic opportunities analysis if the site characteristic (1) is typical of the expected industrial or employment uses, and (2) has some meaningful connection with the operation of the expected industrial or employment uses. *Friends of Yamhill County v. City of Newberg*, 62 Or LUBA 5 (2010).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A city’s decision to list a minimum parcel size of five acres and location no more than one eighth of a mile from an arterial as typical industrial site characteristics in its economic opportunities analysis will be remanded where there are no findings that explain why those attributes are typical site characteristics and the evidentiary record is not sufficient to establish that they are typical site characteristics. *Friends of Yamhill County v. City of Newberg*, 62 Or LUBA 5 (2010).

13. Goal 9 – Economy of the State/ Goal 9 Rule. The safe harbor established by OAR 660-024-0040(9)(a) is only available to local governments when addressing the requirements of Goal 9, OAR chapter 660, division 9, Goal 14 and, if applicable, ORS 197.296, when determining its employment needs for purposes of a UGB amendment under OAR chapter 660, division 24. As OAR chapter 660, division 24 is now written, the OAR 660-024-0040(9)(a) safe harbor is simply not available for decisions that adopt or amend economic opportunities analyses, without also amending a UGB. *Friends of Yamhill County v. City of Newberg*, 62 Or LUBA 5 (2010).

13. Goal 9 – Economy of the State/ Goal 9 Rule. In relying on the OAR 660-024-0040(9)(a) safe harbor in amending an economic opportunities analysis to estimate employment growth, the Oregon Employment Department job growth projection rate authorized by OAR 660-024-0040(9)(a)(A) and the coordinated population forecast projection rate authorized by OAR 660-024-0040(9)(a)(B) are mutually exclusive alternatives. A local government must select one or the other and may not switch back and forth between those two projection methodologies in projecting

employment growth, if the local government is seeking the protection of the OAR 660-024-0040(9)(a) safe harbor. *Friends of Yamhill County v. City of Newberg*, 62 Or LUBA 5 (2010).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Where a city’s stated rationale for its 20-year employment projections in its economic opportunities analysis is the OAR 660-024-0040(9)(a) safe harbor, the city may not adopt an alternative legal rationale for the 20-year employment projections for the first time in its brief at LUBA. *Friends of Yamhill County v. City of Newberg*, 62 Or LUBA 5 (2010).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goal 9, paragraph 3 provides in relevant part that comprehensive plans must provide for an adequate supply of sites for industrial and commercial uses. Where a city enacts zoning amendments that are likely to reduce the supply of buildable industrial and commercial lands, even if the administrative rules at OAR Chapter 660, division 9 do not apply to the decision, the city has an obligation to demonstrate that despite any such reductions in development potential for industrial and commercial lands, the city’s land supply inventories continue to comply with Goal 9. *Gunderson, LLC v. City of Portland*, 62 Or LUBA 403 (2011).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Where amendments to the comprehensive plan require planting of vegetation on-site or off-site to mitigate the effects of development on industrial land, a local government must quantify the amount of land that the mitigation requirements will remove from potential industrial development and evaluate the impact of that reduction on the local government’s supply of industrial lands. *Gunderson, LLC v. City of Portland*, 62 Or LUBA 403 (2011).

13. Goal 9 – Economy of the State/ Goal 9 Rule. 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).

13. Goal 9 – Economy of the State/ Goal 9 Rule. An economic opportunities analysis that does not indicate any definite planning period or include projections about future demand for industrial or commercial land based on employment or other need projected over any specific period of time does not provide an adequate factual base to support a decision that the city has an adequate supply of land under Goal 9. *Gunderson, LLC v. City of Portland*, 62 Or LUBA 403 (2011).

13. Goal 9 – Economy of the State/ Goal 9 Rule. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370, 444 (2002), and *Opus Development Corp. v. City of Eugene*, Or LUBA 670, 691 (1995), do not stand for the principle that lands that are included in a local government’s Goal 9 inventory of buildable lands for commercial and industrial development may not be subject to discretionary permit approval standards. Those cases simply hold that where a local government amends its comprehensive plan and land use regulations in ways that may call the assumptions that underlie its Goal 9 inventory into question, the local government must consider whether its

Goal 9 inventory will remain adequate after the amendments are adopted. *McDougal Bros. Investments v. City of Veneta*, 59 Or LUBA 207 (2009).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A new tree cutting regulation that applies to commercial and industrial development does not violate the Goal 9 requirement that there be an adequate inventory of land for commercial and industrial development, where the new tree cutting regulations, as they apply to commercial and industrial lands, include a standard that provides “[a]pplication of the standards of this section shall not result in a reduction of overall building square footage or loss of density.” *McDougal Bros. Investments v. City of Veneta*, 59 Or LUBA 207 (2009).

13. Goal 9 – Economy of the State/ Goal 9 Rule. It is premature to argue that a legislative decision that adopts a new Airport Related zoning district violates a city’s obligation to protect industrial and commercial land from incompatible uses under Statewide Planning Goal 9 and violates Goals 10 and 14 by impermissibly converting industrially zoned land, for which there is a shortage, to a residential airpark use, which is not needed under Goal 10. Such arguments must await a city decision that actually applies the new Airport Related zoning district to some property in the city. *Port of St. Helens v. City of Scappoose*, 58 Or LUBA 122 (2008).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Where a planning and zoning criterion requires that commercial retail uses be limited to those appropriate in “type and size” to serve the needs of businesses in a designated employment area, and a local government applies a zoning district that would allow any retail sales business that does not exceed 60,000 square feet in size, LUBA will remand for a better explanation for why the size limitation is sufficient to ensure compliance with the “type and size” limitation. *SEIU v. City of Happy Valley*, 58 Or LUBA 261 (2009).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Where a property’s existing plan designation is exclusive farm use, a change in that plan designation does not implicate the planning obligations imposed by OAR 660-009-0010(4) because that rule only applies where the existing comprehensive plan designation is industrial or employment. *SEIU v. City of Happy Valley*, 58 Or LUBA 261 (2009).

13. Goal 9 – Economy of the State/ Goal 9 Rule. While Goal 9 itself has no specific requirements directed at rural or resource lands, and the Goal 9 rule explicitly states that comprehensive plans for rural areas are not required to plan for industrial or employment uses, Goal 9 in general applies throughout the state including rural areas and requires counties to “provide adequate opportunities * * * for a variety of economic activities.” *VinCEP v. Yamhill County*, 55 Or LUBA 433 (2007).

13. Goal 9 – Economy of the State/ Goal 9 Rule. To establish a “demonstrated need” for a proposed hotel on agricultural land based on the requirements of Goal 9 under OAR 660-004-0022(1)(a) does not necessarily require demonstrating that the county is in violation of its Goal 9 obligations or that the county is faced with a circumstance in which it must choose between violating its Goal 9 or Goal 3 obligations. *VinCEP v. Yamhill County*, 55 Or LUBA 433 (2007).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goal 9 does not require local governments to provide for every kind of productive economic activity, or to adopt regulations that allow for every market demand to be satisfied. *VinCEP v. Yamhill County*, 55 Or LUBA 433 (2007).

13. Goal 9 – Economy of the State/ Goal 9 Rule. To show a demonstrated need to locate a proposed hotel on resource land based on the general Goal 9 requirement to “provide adequate opportunities * * * for a variety of economic activities,” the county must establish that the county has failed or is at risk of failing to provide adequate opportunities for a variety of economic activities, and that taking an exception to Goal 3 to provide for a hotel is a necessary step toward satisfying that goal requirement. *VinCEP v. Yamhill County*, 55 Or LUBA 433 (2007).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A locally unsatisfied market demand for a particular sub-type of lodging accommodation targeted at a small demographic of users is insufficient to establish that there is a demonstrated need for a proposed hotel to satisfy the Goal 9 requirement that the county provide “adequate opportunities for a variety of economic activities.” *VinCEP v. Yamhill County*, 55 Or LUBA 433 (2007).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Zoning text amendments that make it much more likely that a commercial zone will be developed with non-Goal 9 uses are not necessarily consistent with the goal simply because the zone continues to allow commercial uses. *Sorensen v. City of Creswell*, 54 Or LUBA 468 (2007).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A city does not err in concluding that zoning text amendments that make it much more likely that a recreation commercial zone will be developed with noncommercial uses are consistent with the city’s Goal 9 obligations, where the city’s comprehensive plan indicates that there is a surplus of 18.8 vacant acres in the zone over the estimated 20-year need for recreational commercial uses. *Sorensen v. City of Creswell*, 54 Or LUBA 468 (2007).

13. Goal 9 – Economy of the State/ Goal 9 Rule. The guidelines to the Statewide Planning Goals are not standards that must be satisfied to approve a post-acknowledgment plan amendment, and thus alleged inconsistency between a plan amendment and a guideline to Goal 9 is not a basis to reverse or remand the plan amendment. *People for Responsible Prosperity v. City of Warrenton*, 52 Or LUBA 181 (2006).

13. Goal 9 – Economy of the State/ Goal 9 Rule. General, diffuse arguments based on Statewide Planning Goal 9 that do not cite or quote any specific Goal 9 language are insufficient to allow meaningful review of arguments that a plan amendment allowing new Goal 9 uses is inconsistent with Goal 9. *People for Responsible Prosperity v. City of Warrenton*, 52 Or LUBA 181 (2006).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Where the issue raised at LUBA is the adequacy of a city’s findings to address specific planning requirements of LCDC’s Goal 9 rule, but no party mentioned the Goal 9 rule or otherwise raised any issues regarding the substantive requirements of the Goal 9 rule, that issue was waived and may not be raised for the first time at LUBA. *Cornelius First v. City of Cornelius*, 52 Or LUBA 486 (2006).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A general allegation during local rezoning proceedings that statewide planning goals have not been addressed is not sufficient to raise the very specific issue that Goal 9 and OAR 660-009-0015 may require preparation of an economic opportunities analysis. *Jaffer v. City of Monmouth*, 51 Or LUBA 633 (2006).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Local governments must address Goal 9 not only when post-acknowledgment plan amendments redesignate land to or from industrial or commercial use, but also when amendments effectively convert lands planned and zoned for industrial or commercial uses to nonindustrial and noncommercial uses. *Grahn v. City of Newberg*, 50 Or LUBA 219 (2005).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A post-acknowledgment plan amendment that authorizes on a specific parcel a transportation facility that (1) is permitted in the industrial zone and (2) serves industrial uses in the area is consistent with Goal 9, notwithstanding any current or longterm shortage in the city’s industrial lands inventory. *Grahn v. City of Newberg*, 50 Or LUBA 219 (2005).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A plan amendment that authorizes a use permitted in an industrial zone and does not change the plan designation or zoning of any industrial-zoned property does not “change the plan designation” within the meaning of OAR 660-009-0010(4) and thus does not trigger the requirements of the Goal 9 rule. *Grahn v. City of Newberg*, 50 Or LUBA 219 (2005).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A post-acknowledgement plan amendment that redesignates more than two acres for commercial use must follow one of the three courses of action set out at OAR 660-009-0010(4). Although one of those permissible courses of action is to demonstrate that the post-acknowledgement plan amendment is consistent with the part of the acknowledged comprehensive plan that was adopted to implement the Goal 9 administrative rule, where the proposed action appears to be inconsistent with implementation strategies in the plan, the city must amend its acknowledged comprehensive plan following the planning requirements of OAR 660-009-0015 through 660-009-0025 and in doing so it must prepare an economic opportunities analysis. *Jaqua v. City of Springfield*, 46 Or LUBA 134 (2004).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Nothing in either Goal 9 or Goal 14 requires a city to take into account the supply and demand for commercial and industrial lands in portions of the regional UGB outside the city’s planning jurisdiction in deciding whether to rezone industrial lands within the city to allow commercial uses. *Friends of Marion County v. City of Keizer*, 45 Or LUBA 236 (2003).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A rezoning decision that leaves the city with only 55 buildable acres of industrial land is consistent with Goal 9, where the record shows that the city needs only 38.5 acres of land within the relevant planning period. The city may assume that all lands zoned for industrial uses are available for industrial uses for purposes of Goal 9, notwithstanding that the city’s industrial zones allow a limited set of non-industrial uses. *Friends of Marion County v. City of Keizer*, 45 Or LUBA 236 (2003).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Nothing in the Goal 9 rule suggests that a county must conduct the “Economic Opportunities Analysis” required by OAR 660-009-0015(4) at the time of periodic review, in the context of establishing a population forecast pursuant to ORS 195.036. *Tipperman v. Union County*, 44 Or LUBA 98 (2003).

13. Goal 9 – Economy of the State/ Goal 9 Rule. It is consistent with the Goal 9 requirement for an adequate supply of sites of “suitable sizes” for a city to preserve the limited supply of large commercial sites in the city, notwithstanding a relative abundance of smaller commercial-zoned sites. *Walker v. City of Dayton*, 44 Or LUBA 766 (2003).

13. Goal 9 – Economy of the State/ Goal 9 Rule. While Goal 9 does not require local governments to make land available for all kinds of economic uses, it grants local governments considerable discretion in shaping the economic future of their communities. Goal 9 authorizes a city to protect its initial choice to include one of the relatively few large commercial-zoned sites in its commercial lands inventory, and to deny a request to redesignate that site to noncommercial uses. *Walker v. City of Dayton*, 44 Or LUBA 766 (2003).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Where petitioners make a facially plausible showing that new tree protection and water resource regulations are likely to reduce the development potential for residential, commercial and industrial lands, the city has an obligation to demonstrate that despite any such reductions in development potential the city’s inventories continue to comply with Goals 9 and 10. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goals 9 and 10 do not prohibit increases in regulatory burdens or require local governments to refrain from imposing any particular level of regulatory burden. Therefore, incorporation of comprehensive plan policies into the zoning code pursuant to ORS 197.195, in order to apply those policies as approval criteria to limited land use decisions, does not violate Goals 9 and 10 even if application of such policies as approval criteria would impose additional regulatory burdens on development of Goal 9 and 10 lands. *Home Builders Assoc. v. City of Eugene*, 41 Or LUBA 370 (2002).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goal 9 does not obligate a local government to adopt a decision ensuring that large format retail uses will be approved. Rather, the local government’s decision must demonstrate that it considered the impact of its decision on broad categories of commercial and industrial uses in light of competing policy objectives. *Home Depot, Inc. v. City of Portland*, 37 Or LUBA 870 (2000).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A comprehensive plan amendment that increases the required right-of-way for major arterials from 80 feet to 100 feet may reduce the supply of buildable land and commercial sites and thus requires findings that address Statewide Planning Goals 9 and 10. *Volny v. City of Bend*, 37 Or LUBA 493 (2000).

13. Goal 9 – Economy of the State/ Goal 9 Rule. The Statewide Planning Goal 9 administrative rule requires that comprehensive plans be amended to comply with the rule at the time of periodic review. Where a local government adopts a comprehensive plan amendment that identifies a future

shortfall of commercial lands, neither the Goal 9 rule nor Goal 9 itself requires that the local government correct that shortfall outside of the context of periodic review. *Volny v. City of Bend*, 37 Or LUBA 493 (2000).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goal 9 does not require that a city find that its “regulations will result in there being an adequate supply of sites for telecommunication facilities.” *Western PCS, Inc. v. City of Lake Oswego*, 33 Or LUBA 369 (1997).

13. Goal 9 – Economy of the State/ Goal 9 Rule. A land use regulation does not “prohibit new telecommunication” facilities where such facilities are allowed as a permitted or conditional use in all zones and variances are allowed for otherwise applicable height limits and setback requirements. *Western PCS, Inc. v. City of Lake Oswego*, 33 Or LUBA 369 (1997).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goal 9, paragraph 3, which requires “an adequate supply of sites,” applies to all commercial sites, not just vacant, buildable commercial sites. *Opus Development Corp. v. City of Eugene*, 30 Or LUBA 360 (1996).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goal 9, paragraph 3, which requires “an adequate supply of sites,” is implemented by both OAR 660-09-015(2) and (3). *Opus Development Corp. v. City of Eugene*, 30 Or LUBA 360 (1996).

13. Goal 9 – Economy of the State/ Goal 9 Rule. When the city’s inventory of both developed and undeveloped land was considered at the time the city determined its inventory of vacant, buildable commercial land was adequate, the city must consider the impact of restricting redevelopment of developed land in determining whether its inventory of vacant, buildable commercial land is still adequate. *Opus Development Corp. v. City of Eugene*, 30 Or LUBA 360 (1996).

13. Goal 9 – Economy of the State/ Goal 9 Rule. When the city’s inventory of both developed and undeveloped land was considered at the time the city determined its supply of vacant, buildable industrial land was adequate, the city must consider the impact of restricting redevelopment of developed land in determining whether its supply of vacant, buildable industrial land is still adequate. *Opus Development Corp. v. City of Eugene*, 30 Or LUBA 360 (1996).

13. Goal 9 – Economy of the State/ Goal 9 Rule. The Goal 9 rule applies only to plan and land use amendments adopted during periodic review, but it provides interpretive guidance in applying Goal 9 to quasi-judicial changes to acknowledged comprehensive plans or land use regulations that affect continued compliance with Goal 9. *Marcott Holdings, Inc. v. City of Tigard*, 30 Or LUBA 101 (1995).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Because OAR 660-09-025(1) allows a fair degree of imprecision in both the number and acreage of sites needed to accommodate industrial and commercial uses, as well as broad site categories, it is not necessary in cases involving very minor changes in acreages to support Goal 9 findings with extensive analysis. *Marcott Holdings, Inc. v. City of Tigard*, 30 Or LUBA 101 (1995).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Legislative changes to acknowledged comprehensive plans or land use regulations that reduce a local government’s supply of industrially designated land must be supported by (1) findings demonstrating the remaining industrially designated land is adequate to satisfy the requirements of Goal 9, (2) argument establishing compliance with Goal 9 based on plan provisions, code provisions and evidence in the record, or (3) both. *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670 (1995).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goal 9, paragraph 3 requires that a local government’s inventory of suitable commercial and industrial sites be adequate not just with regard to total acreage, but also with regard to size, type, location and service levels, to provide for a “variety of industrial and commercial uses consistent with plan policies.” *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670 (1995).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goal 9, paragraph 4 does not impose a requirement that uses near *all* lands zoned for commercial or industrial use be limited to those compatible with commercial and industrial uses in general, but rather applies only where a local government has designated certain commercial or industrial zoned land for *specific* commercial or industrial uses with special site requirements. OAR 660-09-025(4). *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670 (1995).

13. Goal 9 – Economy of the State/ Goal 9 Rule. Goal 9 does not require that a post-acknowledgment plan amendment changing the designation of urban land from Industrial-Commercial to Industrial be supported by a demonstration that the proposed industrial use of the land is necessary to the local economy or will provide products that existing producers cannot supply. *Salem Golf Club v. City of Salem*, 28 Or LUBA 561 (1995).

13. Goal 9 – Economy of the State/ Goal 9 Rule. OAR Chapter 660, Division 9 applies only to plan and land use regulation amendments adopted during periodic review. OAR 660-09-010(2). *Melton v. City of Cottage Grove*, 28 Or LUBA 1 (1994).

13. Goal 9 – Economy of the State/ Goal 9 Rule. OAR 660-09-025 does not require the adoption of specific implementing plan designations and zoning districts, concurrent with the adoption of a UGB amendment, in all instances. OAR 660-09-025 simply establishes certain Goal 9 driven requirements that are applicable at the time certain local governments adopt measures implementing a UGB amendment. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372 (1994).