

**9.5 Goal 5 – Open Spaces and Natural Resources/ Goal 5 Rule – Resource Protection Programs.** Where a significant resource overlay zone provision requires that (1) resource sites not be altered or impacted to a degree that destroys their significance, (2) the proposed development not result in the loss of habitat for threatened or endangered species, (3) all feasible alternatives to the development that would not result in a substantial adverse impact on identified resource values be considered and rejected, (4) the development be sited on the property in such a manner that minimizes adverse impacts on identified resources, and (5) documentation be provided regarding requirements for state or federal permits or licenses and that appropriate resource management agencies have reviewed the development proposal against their plans, policies, and programs, the local government does not err in concluding that that provision applies at the development stage rather than the PAPA stage. *VanSickle v. Klamath County*, 80 Or LUBA 241 (2019).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Only “transportation facilities and improvements” that meet the requirements of OAR 660-012-0065 are allowed on EFU-zoned “rural land” without an exception to Goals 3, 11 and 14. OAR 660-012-0070 provides that “transportation facilities” that do not meet the requirements of OAR 660-012-0065 cannot be constructed on “rural land” without an exception to the applicable goals. However, OAR 660-012-0070 does not require an exception to the applicable resource and urban goals where the city concurrently includes the land within its urban growth boundary, because the land is no longer “rural land” as defined in that rule. *Deumling v. City of Salem*, 76 Or LUBA 99 (2017).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** OAR 660-011-0060(9)(a) and (b) provide examples of “[a]ppropriate reasons and facts for an exception to Goal 11” that are context for determining the scope of the general term “appropriate reasons and facts,” but they do not state the only “appropriate reasons and facts for an exception to Goal 11” to extend a sewer system into a rural area to solve a public health problem. *Central Oregon Landwatch v. Deschutes County*, 74 Or LUBA 455 (2016).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** OAR 660-011-0060(9) is not intended to describe the complete universe of situations that could justify a reasons exception to Goal 11. *Central Oregon Landwatch v. Deschutes County*, 74 Or LUBA 455 (2016).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A county decision that it “may be” necessary to allow sewers systems to serve up to 11,000 lots in a 180-square-mile area of the county to address a future potential health hazard if the county later determines that septic systems and other treatment systems are not the best solution does not state “appropriate reasons and facts” for justifying a Goal 11 exception. *Central Oregon Landwatch v. Deschutes County*, 74 Or LUBA 455 (2016).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** In approving an exception to Goal 11 to extend sewers onto rural land in the county, a county’s failure to distinguish between 3,353 high groundwater lots that are either already developed with houses or that are vacant but could be developed with houses, and other areas that it is proposing to serve with sewers in order to more easily allow future houses on rural lands but that the record does not demonstrate are located in high groundwater areas, makes the county’s ordinance adopting an exception to Goal 11 an ordinance that “establish[es] a planning or zoning policy of general applicability” in contravention

of ORS 197.732(1)(b), rather than an ordinance that adopts an exception. *Central Oregon Landwatch v. Deschutes County*, 74 Or LUBA 455 (2016).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Where a county approves a reasons exception to Goal 11 to allow extension of city water to serve a highway rest area, and imposes a condition of approval requiring city approval, but later modifies the condition to substitute rural irrigation water for city water to be used to irrigate landscaping, the modification does not necessarily change the “type” of public facilities and service and thus require a new reasons exception pursuant to OAR 660-004-0018(4)(b). Generally, a new reasons exception is required under OAR 660-004-0018(4)(b) only for changes that make the exception area less conforming to the goal. *Foland v. Jackson County*, 70 Or LUBA 247 (2014).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Because Goal 11 defines “water system” as a system for the provision of piped water for human consumption, modifying a condition of approval so that city water is not used for irrigating landscaping, but used only for human consumption, does not constitute a change in the type or intensity of the “water system” for purposes of OAR 660-044-0018(2)(b) and thus modifying the condition does not require a new reasons exception. *Foland v. Jackson County*, 70 Or LUBA 247 (2014).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Where a city adds 28 acres of land to its Goal 10 inventory to meet an identified need for residential land, the city’s alleged failure to conduct public facilities planning to support future residential development of the inventoried lands may violate Goal 11, but does not violate Goal 10 or indicate that the city’s Goal 10 inventory is inadequate. *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1 (2013).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A decision that adopts a refinement plan that describes a 15-inch wastewater pipeline that is not included in the city’s acknowledged public facilities plan does not present a Goal 2 consistency problem or violation of Goal 11, where under the acknowledged plan 15-inch pipelines need not be included in the plan and the petitioner’s argument that the plan must include the proposed pipeline represents a collateral attack on the acknowledged public facilities plan. *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1 (2013).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Goal 11 requires the city to adopt a public facilities plan for areas within its urban growth boundary. A public facility plan is consistent with Goal 11 where the plan includes future projects and improvements to serve areas inside the city’s existing urban growth boundary. *Central Oregon Landwatch v. City of Bend*, 68 Or LUBA 173 (2013).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** OAR 660-011-0010(1)(g) requires a public facility plan to include “[a] discussion of the provider’s existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.” A city’s multiple page discussion of its existing Capital Improvement Program, systems development charges, leasing revenue and use of utility user fees to fund development of public facility project satisfies the requirement of the rule. *Central Oregon Landwatch v. City of Bend*, 68 Or LUBA 173 (2013).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** OAR 660-011-0010(1)(f) requires a public facility plan to include “[a]n estimate of when each facility project will be needed[.]” A public facility plan that identifies each project as a “short term project (years 1-5)” or a “long term project (years 6-20)” satisfies the requirements of the rule. *Central Oregon Landwatch v. City of Bend*, 68 Or LUBA 173 (2013).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A hearings officer does not err in concluding that connecting a dwelling to a rural sewer service district’s existing system constitutes either the establishment of a “new community sewer system” or a “new extension of a sewer system from within an urban growth boundary.” *Purtzer v. Jackson County*, 67 Or LUBA 205 (2013).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** The Goal 11 requirement to provide “timely, orderly and efficient arrangement of public facilities and services” is not particularly concerned with the performance standards governing state highways, a concern that is more specifically addressed under Goal 12 and the Transportation Planning Rule. Goal 11 does not add anything new or different to the specific Goal 12 requirements with respect to the performance of state highways, and findings addressing Goal 11 are not inadequate simply because they fail to consider whether modified highway performance standards are consistent with Goal 11. *Setniker v. ODOT*, 66 Or LUBA 54 (2012).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Nothing in Goal 2, Goal 11, or an urban growth management agreement between the city and the county for lands within the urban growth boundary requires the city to consider the impacts of a public facilities project on a county-identified Goal 5 resource, where the county was given an opportunity to and did not raise any concerns about the project’s impact on a county-identified Goal 5 resource. *Central Oregon Landwatch v. City of Bend*, 66 Or LUBA 392 (2012).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** OAR 660-011-0015(3) allows the city to incorporate by reference private water service providers’ planning documents. Where there is no evidence that the private service providers’ planning documents are inadequate to meet the requirements of OAR 660-011-0010(a), the city is entitled to rely on those planning documents to assess the private service providers’ systems. *Central Oregon Landwatch v. City of Bend*, 66 Or LUBA 392 (2012).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** OAR 660-011-0010 requires the city to provide in its public facility plan an identification of “significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan.” A public facility plan is inconsistent with OAR 660-011-0010 where the plan includes future projects and improvements to serve areas outside the city’s existing urban growth boundary. *Central Oregon Landwatch v. City of Bend*, 66 Or LUBA 392 (2012).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** If a particular urban use of rural land authorized under an exception to Goal 14 does not require urban levels or sources of water, it is consistent with Goal 11 to allow the urban use to be served with non-urban levels or sources of

water, and no exception to Goal 11 is required. *Foland v. Jackson County*, 64 Or LUBA 265 (2011).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Nothing in Goal 11 or the Goal 11 rule requires a local government to amend its public facilities plan to include a new bridge that an applicant agrees to construct at its expense to mitigate the traffic effects of a zone change and planned unit development. *Willamette Oaks LLC v. City of Eugene*, 63 Or LUBA 75 (2011).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Reasons that justify a goal exception under OAR 660-012-0070 may be sufficient to justify a goal exception under Goal 11, OAR 660-011-0060(9) and OAR 660-004-0020 and 660-004-0022. Where a local government reasonably concludes under OAR 660-12-0070 that an on-site septic system would not be adequate to handle the volume of projected waste from a transportation facility, a local government may also be able to rely on the same evidence to conclude that an exception to Goal 11 is justified. *Foland v. Jackson County*, 61 Or LUBA 264 (2010).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** OAR 660-011-0065 does not purport to identify the universe of Goal 11 concerns regarding extension of water systems onto rural land. Where the extension of a water system onto rural lands is proposed to facilitate an urban use of that land, the extension is prohibited without an exception to Goal 11. *Foland v. Jackson County*, 61 Or LUBA 264 (2010).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A county adequately ensures consistency with the Goal 11 prohibition on a “sewer system” that serves more than one parcel on rural lands, where the county approves a sewer system for a proposed public RV park/campground on two existing parcels, but conditions approval on consolidation of the two parcels into a single parcel. *Linn County Farm Bureau v. Linn County*, 61 Or LUBA 323 (2010).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** 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).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A county may rely on the reasons that justified a Goal 4 exception earlier approved by the county and Land Conservation and Development Commission (LCDC) for a proposed destination resort to justify reasons exceptions to Goals 11 and 14, where the record supports the county’s finding that the Goal 4 reasons are still valid and the Goals 11 and 14 exceptions merely implement and complete the earlier county and LCDC approval. *Friends of Marion County v. Marion County*, 59 Or LUBA 323 (2009).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Because Goal 11 and Goal 14 serve congruent policy objectives, the reasons sufficient to justify a Goal 14 exception for a destination resort may also be sufficient to justify an exception to Goal 11 to authorize a community sewer

system to serve the destination resort. *Friends of Marion County v. Marion County*, 59 Or LUBA 323 (2009).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Where Goal 11 and 14 exceptions are necessary to complete a previously approved destination resort that is authorized under the county’s acknowledged comprehensive plan and land use regulations, and the resort as completed is substantially similar to the resort as originally approved, the Goal 11 and 14 exceptions do not propose “new uses” that could be conflicting uses with a significant Goal 5 resource site and thus the county does not err in failing to apply the requirements of Goal 5 and the Goal 5 rule. *Friends of Marion County v. Marion County*, 59 Or LUBA 323 (2009).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** The first sentence of Goal 11 simply requires planning for “a timely, orderly and efficient arrangement of public facilities and services.” That language does not prohibit providing public facility capacity that exceeds current or planned demand. *SEIU v. City of Happy Valley*, 58 Or LUBA 261 (2009).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** The second sentence of Goal 11 provides that “[u]rban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served.” That language does not bar construction of urban public facilities or services that will have more capacity than is presently needed or needed in the planning period. *SEIU v. City of Happy Valley*, 58 Or LUBA 261 (2009).

**15. Goal 11 – Public Facilities and Services/ Goal 11 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).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A decision annexing new territory to a city in order to extend city sewer to the new territory is not a “modification” of a project in a public facilities plan for purposes of the Goal 11 rule, and therefore OAR 660-011-0045 does not require an amendment to the public facilities plan, where the annexation decision does not make any modification to existing sewer projects in the plan or make any decisions regarding such projects. *Link v. City of Florence*, 58 Or LUBA 348 (2009).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** That an annexation may ultimately lead to a city extending sewer service to urbanizable lands along a different route than contemplated in the city’s public facilities plan does not demonstrate that the annexation is “unreasonable” under *Portland Gen. Elec. Co. v. City of Estacada*, 194 Or 145, 241 P2d 1129 (1952). *Link v. City of Florence*, 58 Or LUBA 348 (2009).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Even where a development does not propose residential uses, a proposed RV Park that plans a community wastewater treatment system

is a “planned unit development” as that term is used in OAR 660-011-0060(1)(f), and is prohibited by OAR 660-011-0060(2) without an exception to Goal 11. *Baxter v. Coos County*, 58 Or LUBA 624 (2009).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Where the applicant proposes to install a community wastewater treatment system that will dispose of wastewater generated by all of the proposed uses and buildings in the RV Park, it is a “sewer system” as that term is used in OAR 660-011-0060(1)(f) and is prohibited by OAR 660-011-0060(2) without an exception. *Oregon Shores Conservation Coalition v. Coos County*, 55 Or LUBA 545 (2008).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Because OAR 660-004-0020(2)(b)(B)(iv) requires a local government to determine whether the “proposed use” can be “reasonably accommodated without the provision of a proposed public facility or service,” it is reasonably clear under the rule that the “proposed use” and the “public facility” are two different things. In the context of a Goal 11 exception to extend public facilities to serve proposed development on lands outside the urban growth boundary, the “proposed use” can only be the proposed development to be served by the facility extension, and not the extended public facility. *Todd v. City of Florence*, 52 Or LUBA 445 (2006).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** In granting a Goal 11 exception to extend a public sewer system outside the urban growth boundary, OAR 660-004-0020(2)(b) through (d) require a city to evaluate the “proposed use,” the development served by that extended sewer facility, even if that development is not subject to the city’s approval authority and does not require a goal exception. *Todd v. City of Florence*, 52 Or LUBA 445 (2006).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** The reasons set out in OAR 660-004-0022(1) are not the exclusive set of reasons that may justify an exception to applicable goals, and it is at least theoretically possible to identify a sufficient reason why the state policy embodied in the applicable goal should not apply that does not require evaluation of the ultimate use or proposed development of the exception area. *Todd v. City of Florence*, 52 Or LUBA 445 (2006).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** That it is economically advantageous to a developer to rely on public services extended from the urban growth boundary rather than develop such services on site is an insufficient “reason” why the state policy embodied in Goal 11 should not apply. *Todd v. City of Florence*, 52 Or LUBA 445 (2006).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Goal 11 requires an “orderly and efficient arrangement of public facilities and services.” That requirement is little offended by allowing a single sewer system to serve two adjoining areas that each have the legal right and ability to develop urban uses and urban-level public facilities, notwithstanding that one area is within an urban growth boundary and the other outside. *Todd v. City of Florence*, 52 Or LUBA 445 (2006).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** OAR 660-011-0060(9) requires that a local government adopting an exception to Goal 11 to extend a sewer system outside the urban growth boundary also adopt land use regulations that prohibit the sewer system from serving uses

other than those justified in the exception. A provision in an intergovernmental agreement (IGA) that limits sewer access to residential and commercial uses is insufficient to satisfy OAR 660-011-0060(9), because the provision does not limit uses served by the sewer to uses specifically justified in the exception. *Todd v. City of Florence*, 52 Or LUBA 445 (2006).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A decision that changes the comprehensive plan and zoning map designations for a parcel to allow residential development with a two-acre minimum lot size does not violate the OAR 660-011-0065(2) prohibition against allowing increased residential development density outside urban growth boundaries due to the presence of a community water system, where the two-acre minimum lot size applies under the changed plan and zoning map designations with or without a community water system. *Holloway v. Clatsop County*, 52 Or LUBA 644 (2006).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** ORS 223.314 provides a statutory exclusion from the statutory definition of land use decision. But that exclusion only applies to the extent “a plan \* \* \* adopted pursuant to ORS 223.309” is adopted for the limited purpose of supplying the public facility list that is required by ORS 223.309 as a precondition of adopting a systems development charge methodology. *Home Builders Assoc. v. City of Springfield*, 50 Or LUBA 109 (2005).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Goal 11 does not prohibit local governments from pursuing separate, contemporaneous decision making processes—one to adopt a regional sewerage plan to comply with ORS 223.309 and state and federal environmental regulations and another to adopt corresponding amendments to the regional comprehensive plan to comply with the local governments’ planning obligations. *Home Builders Assoc. v. City of Springfield*, 50 Or LUBA 109 (2005).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** So long as sewerage facilities recommended in a regional sewerage plan cannot be built until the applicable comprehensive plan is amended to recommend those facilities, the regional sewerage plan may be adopted before the comprehensive plan is amended and the decision to adopt that regional sewerage plan to comply with state and federal environmental regulations and the requirements of ORS 223.309 for adoption of a systems development charge methodology is not a land use decision that is reviewable by LUBA. The reviewable land use decision will be adopted when the corresponding comprehensive plan amendments are adopted. *Home Builders Assoc. v. City of Springfield*, 50 Or LUBA 109 (2005).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A Goal 11 Public Facility Plan that includes a single listing for a “water pollution control facility treatment project” as a significant public facility project is inadequate where that project is actually many different projects to be constructed in different phases over a 15-year period at a cost of \$120 million. To comply with Goal 11, the significant public facility project components of that larger project must be broken down and identified in the public facility plan. *Home Builders Assoc. v. City of Springfield*, 50 Or LUBA 134 (2005).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Where a local comprehensive plan policy defines “Urban Exception Areas” as lands with acknowledged exceptions to Statewide Planning Goals 3, 4 and 11, the county need not require an exception to Goal 11 where it limits uses in approved exception area to those uses that do not require or impact urban public facilities. *Doob v. Josephine County*, 49 Or LUBA 113 (2005).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Absent an exception to Goal 11, a county cannot apply a zone that allows clustered residential development served by communal water supply and sewage treatment or disposal facilities on rural lands outside unincorporated communities. *Wood v. Crook County*, 49 Or LUBA 682 (2005).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Neither Goal 11 nor Goal 14 identifies annexation or application of city zoning as the decision points at which (1) a specific development proposal must be approved and (2) any public service or facility inadequacies at the property must be corrected. *Just v. City of Lebanon*, 45 Or LUBA 179 (2003).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Findings that establish that a proposed motor speedway must be centrally located in its market area, that it will provide significant local economic benefits, and that it has characteristics that make locating the speedway within nearby urban growth boundaries an unreasonable alternative are sufficient to provide reasons for an exception to Goals 11 and 14. *Doherty v. Morrow County*, 44 Or LUBA 141 (2003).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A county may not rely on a previously adopted Goal 3 exception for airport related industrial uses to justify approving a major automobile speedway and speedway related uses on rural agricultural land. Although the same factors that the county relied on to justify Goal 11 and Goal 14 exceptions for the speedway and related uses might justify a new Goal 3 exception, a new Goal 3 exception must be adopted to replace the one that was adopted for the airport related industrial uses. *Doherty v. Morrow County*, 44 Or LUBA 141 (2003).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Assuming that a public park is a “public facility or service” governed by Goal 11, because a public park is permitted by statute on EFU land without taking an exception to Goal 11, a public park is also allowed on rural land zoned other than EFU without taking an exception to Goal 11, or requiring that the park serve only rural lands. *Stallkamp v. City of King City*, 43 Or LUBA 333 (2002).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A public stormwater facility is or can be a “utility facility necessary for public service” allowed by statute in the EFU zone. Such a facility is also allowed on rural lands zoned other than EFU without taking an exception to Goal 11 or requiring that the stormwater facility serve only rural lands. *Stallkamp v. City of King City*, 43 Or LUBA 333 (2002).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A city’s failure to enter into an urban services agreement with a rural fire protection district prior to annexing property located within the fire district does not violate either Goal 2 or Goal 11. *West Side Rural F.P.D v. City of Hood River*, 43 Or LUBA 546 (2003).



**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Although Goal 11 does not require lot-by-lot approvals of individual septic systems at the time property is rezoned, a local government’s findings must establish that it is feasible to provide adequate individual sewage disposal systems. *DLCD v. Klamath County*, 38 Or LUBA 769 (2000).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Where issues of the availability of public facilities and services are raised, the local government must determine the need for and the existence of an appropriate level of service to support the proposed development before making a finding that the goal has been satisfied. *Riggs v. Douglas County*, 37 Or LUBA 432 (1999).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** To determine whether sufficient services are available to support a proposed rural development, the local government shall (1) determine the type of services that are currently available, if any; (2) determine the appropriate level of service for the proposed development; and (3) determine the feasibility of providing such service, if it does not already exist. *Riggs v. Douglas County*, 37 Or LUBA 432 (1999).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A proposed subdivision in which the dwellings will connect to existing water lines within a water district’s existing service area does not violate Goal 11’s prohibition on the “establishment or extension of a water line.” *DeShazer v. Columbia County*, 35 Or LUBA 689 (1999).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A committed exception to Goal 11 will be remanded, where the effect of taking the exception is to allow urban uses that would not be supported by levels of public facilities and services appropriate for a rural area and the county has not shown that it is impracticable to continue using the property for rural residential use. *James v. Josephine County*, 35 Or LUBA 493 (1999).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A finding that a proposed subdivision will be connected to the city’s storm drainage system is not supported by substantial evidence, where the proposed drainage system stops short of the city’s storm drainage system and a condition of approval requiring paved access to the subdivision is not adequate to ensure that the storm drainage connection will be constructed along with that paved access. *Hunt v. City of Ashland*, 35 Or LUBA 467 (1999).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Goal 11 applies when a local government redesignates land to allow for more intensive uses that place greater demand on public facilities than uses allowed under an existing designation. Goal 11 is not implicated when a local government redesignates land to allow a shopping center that will place fewer demands on public facilities than the residential uses allowed under the current designation. *Citizens for Florence v. City of Florence*, 35 Or LUBA 255 (1998).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Goal 11 prohibits relying on “establishment or extension of a water system” as a basis for allowing higher residential density outside UGBs. Where a local government approves a rural subdivision with a higher density based

on provision of water service, it must explain why the apparently applicable Goal 11 prohibition does not apply. *DeShazer v. Columbia County*, 34 Or LUBA 416 (1998).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Where it is not apparent that provision of water to a rural subdivision merely constitutes attachment to an existing proximate water supply rather than an “extension” of the water system, which is prohibited by Goal 11, LUBA will remand the decision for Goal 11 findings. *DeShazer v. Columbia County*, 34 Or LUBA 416 (1998).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** That a proposed mine expansion might impact a water supply does not implicate Goal 11. *Sanders v. Yamhill County*, 34 Or LUBA 69 (1998).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** The county’s finding that the same level of public facilities and services that will be available to the subject property is presently available to all the surrounding land is not helpful to a determination of compliance with Goals 11 and 14 where the finding does not explain whether or how the goals were applied to the surrounding properties. *Brown v. Jefferson County*, 33 Or LUBA 418 (1997).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** While Goal 11 requires that a local government “plan and develop a timely, orderly and efficient arrangement of public facilities,” a local government need not provide an expedited process for public facilities and retains its ability to ensure the appropriate juxtaposition of land uses. *Western PCS, Inc. v. City of Lake Oswego*, 33 Or LUBA 369 (1997).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** The Goal 11 prohibition on extending sewer systems from inside urban growth boundaries to land outside those boundaries does not invalidate or prohibit a county requirement that all new subdivisions be connected to municipal sewer systems. *Gisler v. Deschutes County*, 33 Or LUBA 272 (1997).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Goal 11 prohibits justifying higher residential densities than would otherwise be permitted in a rural-residential zone on the basis that water service can be extended to serve the lots. *DeShazer v. Columbia County*, 31 Or LUBA 300 (1996).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** That a water district agrees to provide water service to the subject parcel, or that a water main extends to the boundaries of the parcel, does not establish that a proposed partition will not require the extension of a water system. *DeShazer v. Columbia County*, 31 Or LUBA 300 (1996).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** After the December 5, 1994 effective date of amendments to Statewide Planning Goal 11, local governments may not rely on acknowledged comprehensive plan or ordinance provisions to establish goal compliance if those provisions violate the Goal 11 amendments. *DeShazer v. Columbia County*, 31 Or LUBA 300 (1996).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Under Goal 11, county land use regulations may not rely upon the extension of a water system, where “extension” refers to either an extension of a water system beyond district boundaries or a connection of a water system to individual properties, to authorize a higher residential density than would be authorized without a water system. *DLCD v. Lincoln County*, 31 Or LUBA 240 (1996).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Under Goal 11, county land use regulations may not rely upon the prior and future establishment of a water system to authorize a higher residential density than would be authorized without a water system. *DLCD v. Lincoln County*, 31 Or LUBA 240 (1996).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Because OAR 660-22-070 applies only to “unincorporated communities,” the schedule for compliance with Goal 11 amendments set forth in OAR 660-22-070 does not apply to property not within unincorporated communities. *DLCD v. Lincoln County*, 31 Or LUBA 240 (1996).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Where a local government redesignates and rezones what had previously been designated and zoned as agricultural or forestland, and applies a zoning district allowing residential development on existing lots much smaller than 10 acres, the local government must address compliance with Goals 11 and 14. *1000 Friends of Oregon v. Yamhill County*, 27 Or LUBA 508 (1994).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** ORS 197.175(2), Goals 11 and 14 and OAR Chapter 660, Division 11 provide authority for a city and county to adopt a comprehensive plan policy requiring that owners of unincorporated property within an urban growth boundary sign consents to annexation in order to receive sewer service. *Bear Creek Valley San. Auth. v. City of Medford*, 27 Or LUBA 328 (1994).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Where amendments to an exclusive farm use (EFU) zoning district do not change the maximum allowable density of nonfarm dwellings in PUDs, but may have the effect of increasing the numbers of, and circumstances in which, residential PUDs may be approved on EFU-zoned land, the county must consider these potential secondary effects of the amendments in determining whether the EFU zone, as amended, complies with Goals 11 and 14. *1000 Friends of Oregon v. Marion County*, 27 Or LUBA 303 (1994).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** The comprehensive plan provisions comprising a city’s urban growth management program are clearly designed to implement Statewide Planning Goals 11 and 14. Therefore, a city errs in interpreting such plan provisions to allow the extension of urban sewage treatment service outside an urban growth boundary. *DLCD v. City of Donald*, 27 Or LUBA 208 (1994).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** Where the county plan and zone designations applied to certain rural property at the time of acknowledgment permit a level of activity that requires sewer service, a petitioner may not challenge proposed development allowed

by the acknowledged plan and land use regulations on the basis that the allowed development violates Goals 11 and 14. *DLCD v. Fargo Interchange Service District*, 27 Or LUBA 150 (1994).

**15. Goal 11 – Public Facilities and Services/ Goal 11 Rule.** A comprehensive plan policy that “urban services shall only be established within recognized urban growth boundaries” implements Goals 11 and 14. Because Goals 11 and 14 prohibit the extension of urban level services outside of urban growth boundaries, LUBA will not defer to a local government interpretation of that plan policy as allowing extension of service from an urban sewage treatment plant to a rural area. ORS 197.829(4). *DLCD v. Fargo Interchange Service District*, 27 Or LUBA 150 (1994).