

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. 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).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. *VinCEP v. Yamhill County*, 215 Or App 414, 171 P3d 368 (2007), which involved a reasons exception to Goals 3, 4 and 14 to develop a hotel on land zoned exclusive farm use (EFU), and its holding which interprets the rules for reasons exceptions, is inapposite where no reasons exception is involved. Similarly, OAR 661-012-0070 and its requirements for exceptions for transportation improvements on rural land do not apply where no exception to a resource goal is sought. *Deumling v. City of Salem*, 76 Or LUBA 99 (2017).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. It is inconsistent to approve a committed exception to Goal 14 to allow urban uses of the property (because all rural uses are impracticable) and then apply a zoning district that was adopted to limit industrial uses to rural industrial uses. *Central Oregon Landwatch v. Deschutes County*, 74 Or LUBA 156 (2016)

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. LUBA will not affirm a hearings officer’s decision based on a legal theory that application of a rural industrial zone to rural property does not require an exception to Goal 14, where the hearings officer did not adopt that theory and instead approved an exception to Goal 14 to apply the rural industrial zone. *Central Oregon Landwatch v. Deschutes County*, 74 Or LUBA 156 (2016).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. OAR 660-004-0040, which provides standards consistent with Goal 14 for certain rural residential development in rural residential zones, does not purport to constitute a complete implementation of Goal 14 with respect to all residential development on rural lands. The rule’s silence regarding some types of residential uses, for example, floating homes, does not allow the inference that such development is either consistent or inconsistent with Goal 14. *Squier v. Multnomah County*, 71 Or LUBA 98 (2015).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Because OAR 660-004-0040, which provides standards consistent with Goal 14 for certain rural residential development in rural residential zones, does not include standards for floating homes, ORS 197.646(1) does not oblige the county to adopt land use regulation amendments to implement the rule with respect to floating homes. Consequently, that the county’s land use regulations governing floating homes do not include standards based on OAR 660-004-0040 does not mean that the county failed to implement the rule, or that the rule applies directly to land use decisions concerning floating homes, pursuant to ORS 197.646(3). *Squier v. Multnomah County*, 71 Or LUBA 98 (2015).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. The Oregon Supreme Court decision in *1000 Friends of Oregon v. LCDC (Curry Co.)*, 301 Or 447, 724 P2d 268 (1986), did not obligate local governments to apply Goal 14 as interpreted directly to land use decisions made under acknowledged land use regulations, although *amendments* to those regulations must be consistent with Goal 14 as interpreted by *Curry Co.* Where a county’s regulations governing floating homes were adopted and acknowledged to comply with Goal 14 in 1982, and have not been amended since, those regulations remain acknowledged to comply with Goal 14, and thus Goal 14 would not apply directly to a decision to approve floating homes under that acknowledged ordinance. *Squier v. Multnomah County*, 71 Or LUBA 98 (2015).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Absent LCDC rule-making, whether proposed industrial use of rural land is rural or urban in nature requires consideration of the factors described in case law. Where a county takes a reason exception to allow a wide range of unspecified industrial uses without considering the factors described in case law, the county’s bare finding that the proposed amendments do not authorize urban use of rural land is inadequate and conclusory. *Columbia Riverkeeper v. Columbia County*, 70 Or LUBA 171 (2014).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A local government errs in purporting to adopt an exception to Goal 14 based solely on the general exception standards at OAR 660-004-0020. Those general exception standards are not a fungible substitute for the specific standards for taking an exception to Goal 14 at OAR 660-014-0040. *Columbia Riverkeeper v. Columbia County*, 70 Or LUBA 171 (2014).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. OAR 660-004-0040(7)(i)(B) requires a Goal 14 exception to designate rural residential areas with lot sizes smaller than 10 acres and applies to land that is “planned and zoned primarily for residential uses and for which an exception to Statewide Planning Goal 3 (Agricultural Lands), Goal 4 (Forest Lands) or both has been taken.” If OAR 660-004-0040 does not apply because goal exceptions have not been taken, a Goal 14 exception may nevertheless be required to designate rural land for residential use if the factors discussed in *1000 Friends of Oregon v. LCDC (Curry Co.)*, 301 Or 447, 724 P2d 268 (1986) make an Goal 14 exception necessary. *Columbia Riverkeeper v. Clatsop County*, 61 Or LUBA 240 (2010).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. The proximity of an RV camp/campground to an urban growth boundary, the proposed density of campground spaces, and the provision of utilities to individual camp sites temporarily occupied by RVs are not sufficient, in themselves, to convert a rural campground to an “urban use” requiring an exception to Goal 14. *Linn County Farm Bureau v. Linn County*, 61 Or LUBA 323 (2010).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Where a county’s Rural Residential plan designation implements OAR 660-004-0040, which applies exclusively to rural residential areas that are subject to Goal 3 or 4 exceptions, and expressly does not apply to nonresource lands not subject to those goals, it is reasonable to presume that the Rural Residential designation also applies exclusively to resource lands for which a Goal 3 or 4 exception is taken,

and is not intended to apply to nonresource lands. *Rogue Advocates v. Jackson County*, 60 Or LUBA 392 (2010).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. ORS 197.493(1), which prohibits local governments from limiting the occupancy of a recreational vehicle (RV) solely on the grounds that the occupancy is in an RV, is not intended to undermine the statewide land use planning system by allowing urban-level residential uses in RV parks in rural zones. By excluding from the definition of RV park an area “designated” for overnight camping, the legislature intended that counties may continue to enforce code restrictions on residential occupancy of RVs in RV parks, in rural zones that do not permit residential occupancy of RV parks. *Reeder v. Multnomah County*, 59 Or LUBA 240 (2009).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Where it is not clear whether a county believes a prior county decision delineated the boundaries of a resort unincorporated community, but petitioners do not allege that the appealed county decision that adopts a large scale map that precisely delineated the resort unincorporated community boundaries violates the OAR 660-022-0020 standards that govern such delineations, petitioners provide no basis for reversal or remand. *Friends of the Metolius v. Jefferson County*, 58 Or LUBA 284 (2009).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. OAR 660-022-0030(4) requires that counties impose limits on new commercial uses in unincorporated communities. Where a county has imposed such limits and a petitioner does not challenge the adequacy of those limits but instead argues that a particular future development proposal might violate OAR 660-022-0030(4), the petitioner provides no basis for reversal or remand where the challenged decision does not approve any particular development proposal. *Carver v. Deschutes County*, 58 Or LUBA 323 (2009).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Where the challenged decision only creates a new zoning district without applying that zoning district to any property, a petitioner’s argument that future development proposals may violate the new zoning district’s requirement that new commercial development be small-scale and low impact is premature. *Carver v. Deschutes County*, 58 Or LUBA 323 (2009).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Oregon Administrative Rules promulgated for the purpose of establishing minimum safety standards for the design and construction of “Recreation Parks” and that define certain structures as “Recreational Vehicles” are not particularly dispositive in resolving the question of whether a proposed development is an urban use of rural land. *Baxter v. Coos County*, 58 Or LUBA 624 (2009).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A proposed RV Park with permanently stationed recreational vehicles is an urban use of rural land under the first factor set out in *1000 Friends of Oregon v. LCDC (Curry Co.)*, 301 Or 447, 724 P2d 268 (1986). *Baxter v. Coos County*, 58 Or LUBA 624 (2009).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A proposed RV Park with a density of 6 units per acre on land zoned recreation and exclusive farm use is an urban use of rural land. *Baxter v. Coos County*, 58 Or LUBA 624 (2009).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Under the Unincorporated Community Rule, the boundaries of unincorporated communities must be shown on the county’s comprehensive plan map “at a scale sufficient to determine accurately which properties are included.” OAR 660-022-0020(2). Where a comprehensive plan is amended to designate an area as an unincorporated community but that area is not shown on the comprehensive plan at the scale required by OAR 660-022-0020(2), remand is required. *Johnson v. Jefferson County*, 56 Or LUBA 25 (2008).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Under OAR 660-022-0030(5), hotels and motels in unincorporated communities must be served by a community sewer system. Where the zoning applied to an unincorporated community allows lodges without specifying whether the lodge must be connected to a community sewer system, and the zoning ordinance term “lodges” could overlap with the rule terms “hotels and motels,” an ambiguity and potential inconsistency with the rule is created. But since the zoning ordinance was adopted to implement the unincorporated community rule, any lodge that is also a hotel or motel as the rule uses those terms would have to be connected to a community sewer system. *Johnson v. Jefferson County*, 56 Or LUBA 25 (2008).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Where a county post-acknowledgment plan amendment designates an area as an incorporated community to allow a higher density of residential development that would otherwise violate Goal 14, it need not require that vacation rental units only allow *de minimis* occupancy by the units’ owners. Whereas that occupancy limitation had been required before the area was designated as an unincorporated community to preserve the distinction between low density single family dwelling development and higher density vacation rental development under Goal 14, after the unincorporated community designation the distinction is no longer legally required. *Johnson v. Jefferson County*, 56 Or LUBA 25 (2008).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. So long as the zoning that is applied to an unincorporated community is consistent with OAR chapter 660, division 22, the unincorporated community rule, a county need not apply Goal 14 directly when applying zoning to the designated unincorporated community. *Johnson v. Jefferson County*, 56 Or LUBA 25 (2008).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. While it may be incorrect to refer to a 43-lot subdivision with many 2-acre lots as “rural,” simply because it is located outside an urban growth boundary, a county commits no error in referring to the subdivision as rural in applying a subdivision approval criterion that requires a finding that the subdivision “will not create urban-farm conflicts,” where the county did not rely entirely on that characterization in applying the urban-farm conflicts standard. *Hines v. Marion County*, 56 Or LUBA 333 (2008).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A petitioner who alleges in a LUBA appeal that a rezoning of rural land is defective because it allows conversion of rural land to urban uses without an adequate Goal 14 justification or exception is obligated to develop his or her argument to that effect. Mere speculation that the uses allowed in the new zone are so uncertain or could be approved in a manner in the future that would result in such improper conversion of rural land to urban uses is not sufficient. *Wood v. Crook County*, 55 Or LUBA 165 (2007).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A finding that the economic success of a proposed wine country hotel would be enhanced by location in a “quiet rural atmosphere among vineyards and near wineries” is insufficient to demonstrate under OAR 660-004-0020(2) that the hotel “requires a location on resource land” as opposed to otherwise suitable non-resource land. *VinCEP v. Yamhill County*, 55 Or LUBA 433 (2007).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A proposed RV Park on land zoned recreation and exclusive farm use, with 179 permanent spaces for stationary trailers, is more similar to permanent residential occupancy found in a high-density residential subdivision than to temporary or seasonal uses found in an RV Park, and thus is an urban use of rural land. *Oregon Shores Conservation Coalition v. Coos County*, 55 Or LUBA 545 (2008).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A proposed RV Park with a density of 7 to 12 units per acre on land zoned recreation and exclusive farm use that is located approximately one mile from a city’s urban growth boundary functions more like a residential suburb that would undermine the effectiveness of the city’s UGB to contain high-density residential development within the UGB, and is an urban use of rural land. *Oregon Shores Conservation Coalition v. Coos County*, 55 Or LUBA 545 (2008).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A proposed development that includes on-site water and sewer systems that are designed to support a high intensity, dense collection of residential uses is an urban use of rural land. *Oregon Shores Conservation Coalition v. Coos County*, 55 Or LUBA 545 (2008).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Viewing the factors set forth in *1000 Friends of Oregon v. LCDC (Curry Co.)*, 301 Or 447, 724 P2d 268 (1986), together, a proposed use of land for an RV Park is an urban use of rural land that is prohibited without an exception to Goal 14. *Oregon Shores Conservation Coalition v. Coos County*, 55 Or LUBA 545 (2008).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. OAR 660-004-0040(6) requires that a local government ensure that amendments to its rural residential zones to authorize lots as small as two acres are justified with exceptions to Goal 14. However, when a local government does so, OAR 660-004-0040(6) does not apply to unamended portions of the local government’s comprehensive plan and land use regulations. *Oregon Shores Cons. Coalition v. Curry County*, 53 Or LUBA 503 (2007).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. OAR 660-004-0040(3)(b) requires that when a local government “amends its plan’s provisions or land use regulations that apply to any rural residential area, it shall do so in accordance with this rule.” However, when a local government does so, OAR 660-004-0040 does not apply to unamended portions of the local government’s comprehensive plan and land use regulations. *Oregon Shores Cons. Coalition v. Curry County*, 53 Or LUBA 503 (2007).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A 50-unit deluxe “wine country” hotel that is intended to attract customers from urban areas is “urban development” for purposes of adopting a reasons exception to Goal 14 under OAR 660-014-0040. That the rural setting of the hotel is part of its commercial appeal does not mean the hotel is rural development. *VinCEP v. Yamhill County*, 53 Or LUBA 514 (2007).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Because the provisions OAR 660-004 govern the exception process as it applies to statewide planning goals “except as provided for” in OAR 660-014, it is reasonably clear that the Land Conservation and Development Commission intends that a reasons exception for proposed urban development be evaluated under OAR 660-014, not OAR 660-004. *VinCEP v. Yamhill County*, 53 Or LUBA 514 (2007).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Given the strong family resemblance between the various rules that interpret and apply Goal 2, Part II and ORS 197.732 in different contexts, any cases interpreting OAR 660-004-0022, the goal or the statute are at least potentially helpful in interpreting OAR 660-014-0040(2), or in evaluating a reasons exception under that rule. *VinCEP v. Yamhill County*, 53 Or LUBA 514 (2007).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Where a local government proceeds to justify an exception under reasons listed in OAR 660-014-0040(2) or OAR 660-004-0022, the decision must demonstrate that each of the elements set out in the listed reason is met. That the listed reasons are not exclusive does not mean that an exception is permissible in circumstances where only some of the elements for each listed reason are met. *VinCEP v. Yamhill County*, 53 Or LUBA 514 (2007).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. In adopting a reasons exception to allow urban development on rural land under OAR 660-014-0040(2), a local government must justify any “essential characteristic” of the proposed development, where those characteristics have the effect of eliminating the need to consider alternative locations to site the proposed urban development within urban growth boundaries under OAR 660-014-0040(3). *VinCEP v. Yamhill County*, 53 Or LUBA 514 (2007).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Where a local government justifies a 12-acre exception area for proposed urban development under OAR 660-014-0040, the local government cannot evaluate alternative sites under OAR 660-014-0040(3) based on a minimum 33-acre parcel size. *VinCEP v. Yamhill County*, 53 Or LUBA 514 (2007).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Under OAR 660-014-0040, a local government may not treat as an “essential characteristic” of a proposed wine country hotel a location that is proximate to the densest concentration of wineries, absent evidence that locations near lesser but still significant concentrations of wineries cannot reasonably accommodate the proposed need for the hotel. *VinCEP v. Yamhill County*, 53 Or LUBA 514 (2007).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Not every feature, such as “rural ambiance,” that would increase the odds of economic success of a proposed urban hotel on rural lands is an essential characteristic of the use, that can be used to categorically reject otherwise suitable alternative sites within or adjacent to urban areas under OAR 660-014-0040(2) and (3). *VinCEP v. Yamhill County*, 53 Or LUBA 514 (2007).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A mere consumer preference among wine connoisseurs for luxury hotels in rural settings is not a sufficient basis to render a rural setting an essential characteristic of a hotel designed to accommodate affluent wine tourists, for purposes of OAR 660-014-0040, absent evidence that there is an economically significant demographic of wine tourist that will only stay in rural luxury hotels and will not stay in urban luxury hotels. *VinCEP v. Yamhill County*, 53 Or LUBA 514 (2007).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A county does not err in rejecting an argument that a reasons exception is not available to allow a proposed hotel on rural land, because the proposed development is in essence a destination resort, and therefore potentially allowable without an exception, under the reasoning in *DLCD v. Yamhill County*, 183 Or App 556, 53 P3d 462 (2002), where the applicable goals, rules and statutes effectively prohibit a destination resort of any kind on the subject property, and thus there is no means short of a goal exception to approve the proposed use on the property. *VinCEP v. Yamhill County*, 53 Or LUBA 514 (2007).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. OAR 660-004-0030(7) authorizes a county to adopt an exception to Goal 14 for rural residential zone or planning designations in a legislative proceeding, and to subsequently apply such zones or plan designations to specific properties without the necessity of applying or taking an exception to Goal 14. *Wetherell v. Douglas County*, 50 Or LUBA 167 (2005).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A county commits no error in failing to apply OAR 660-004-0040 to land that is either resource land or non-resource land. OAR 660-004-0040 specifically does not apply to either resource land or nonresource land; it applies to rural lands for which an exception to resource goals has been approved, when they are planned and zoned for rural residential development. *Sommer v. Josephine County*, 49 Or LUBA 134 (2005).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Goal 14 implicitly requires that the intensity of uses allowed on rural lands outside unincorporated communities be less than the maximum intensity allowed inside unincorporated communities. That a plan amendment allows industrial facilities only slightly less intensive than the maximum allowed in

unincorporated communities under OAR 660-022-0030(1) does little to establish that the amendment is consistent with Goal 14. *Friends of Yamhill County v. Yamhill County*, 49 Or LUBA 529 (2005).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A large public storage facility that derives almost all of its customer base from residents within the nearby UGB is not a rural use that can be allowed on rural land consistent with Goal 14. *Friends of Yamhill County v. Yamhill County*, 49 Or LUBA 529 (2005).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Goal 14 is implicated by a decision that rezones rural land to allow a planned unit development with no minimum lot size, potentially allowing clustered residential density less than one dwelling per 10 acres. *Wood v. Crook County*, 49 Or LUBA 682 (2005).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Simply because OAR 660-004-0018(1) has clarified since 1986 that an exception to one goal does not relieve a local government from other goal requirements does not mean that the converse was true prior to adoption of the rule. Rezoning property located in a Goal 3 exception area adjacent to a UGB requires consideration of Goal 14, even if OAR 660-004-0018(1) was not applicable at the time the Goal 3 exception was taken. *Friends of Yamhill County v. Yamhill County*, 47 Or LUBA 160 (2004).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Because Goal 14 requires that rural industrial uses in areas outside of rural unincorporated communities be less intensive than industrial uses allowed in such communities, such rural industrial uses must be smaller in size than the 40,000-square-foot maximum allowed for industrial uses in rural unincorporated communities, under OAR 660-022-0030. *Friends of Yamhill County v. Yamhill County*, 47 Or LUBA 160 (2004).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. An administrative rule that prohibits new churches and schools on land within three miles of an urban growth boundary (UGB), while allowing community centers “operated primarily by and for residents of the local rural community” within three miles of a UGB, does not violate the “equal terms” and nondiscrimination clauses of the Religious Land Use and Institutionalized Persons Act (RLUIPA), where the membership of the proposed church is primarily composed of people who reside within the UGB. *1000 Friends of Oregon v. Clackamas County*, 46 Or LUBA 375 (2004).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. 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).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Findings that establish that a gasoline station is needed to avoid forcing some departing speedway attendees to

travel out-of-direction to buy gasoline when such out-of-direction travel would thereby adversely affect transportation facilities, are sufficient to provide a reason justifying an exception to Goal 14 to site the gas station next to a speedway on rural land, where the challenged decision imposes conditions to prevent the gasoline station from becoming a standalone facility that competes with nearby gas stations in urban areas. *Doherty v. Morrow County*, 44 Or LUBA 141 (2003).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A challenged decision establishes sufficient reasons to allow a restaurant and bar next to a speedway on rural land to satisfy significant on-site demand for such facilities, where locational and signage conditions are imposed to limit the possibility that those facilities would compete with nearby facilities inside urban areas for other customers not associated with the speedway. *Doherty v. Morrow County*, 44 Or LUBA 141 (2003).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Identified needs to (1) attract speedway fans early and keep them on site longer to spread traffic impacts, and (2) provide on-site activities for family members accompanying racing spectators may provide sufficient reasons to permit siting indoor and outdoor speedway related recreational facilities on rural land. *Doherty v. Morrow County*, 44 Or LUBA 141 (2003).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Findings that merely suggest that speedway-dependent and related industrial uses may require close proximity to the speedway and state that they may generate sufficient noise to make an urban location inappropriate provide weak reasons for approving a rural location for such industries. However, where petitioner does not challenge that rationale, those findings may provide sufficient reasons for a Goal 14 exception. *Doherty v. Morrow County*, 44 Or LUBA 141 (2003).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Where a county's findings addressing the comparative environmental, economic, social and energy consequences of siting a proposed speedway at the proposed rural location rather than other possible rural locations identify a number of unchallenged energy considerations that favor the proposed rural site, the county's failure to require that the applicant supply a fuel consumption analysis does not provide a basis for remand. *Doherty v. Morrow County*, 44 Or LUBA 141 (2003).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. 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).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Nothing in Goal 14 expressly requires consideration of the cumulative impact of proposed rural residential development with existing or future land uses on rural lands, to determine if the proposed residential development is urban in nature. The fact that OAR 660-004-0040, which governs the Goal 14 analysis of rural residential development, does not require such cumulative impacts

analysis is some indication that Goal 14 does not implicitly require such analysis. *Friends of Yamhill County v. Yamhill County*, 43 Or LUBA 97 (2002).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. OAR 660-004-0040 provides that a zone that prohibits new residential lots on less than 2 acres in a rural residential area is consistent with Goal 14. Even where that rule does not apply, it provides pertinent guidance as to whether a rezoning decision that would allow residential lots larger than 2 acres is consistent with Goal 14. *Friends of Yamhill County v. Yamhill County*, 43 Or LUBA 97 (2002).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Because a public park is permitted by statute on EFU land without requiring compliance with Goal 14 or an exception to that goal, it is also permitted on rural land zoned other than EFU without requiring compliance with Goal 14 or an exception, even if the park would primarily serve urban residents. *Stallkamp v. City of King City*, 43 Or LUBA 333 (2002).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A use permitted by statute on EFU land is not subject to the additional requirement that the use be rural or that an exception to Goal 14 be taken, even if the use is urban in nature. Where such a use is expressly permitted on EFU land, it is also implicitly permitted by statute on rural land zoned other than EFU. *Stallkamp v. City of King City*, 43 Or LUBA 333 (2002).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. The redesignation of a 680-acre non-resource-zoned parcel to rural residential use will not result in impermissible urban uses on rural lands where the resulting 136 lots will not be served by public water or sewer systems, commercial uses are prohibited and no additional public services will be extended to the subject property from the nearest urban area, located two and one-half miles away. *DLCD v. Klamath County*, 42 Or LUBA 368 (2002).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. The Oregon land use planning scheme contemplates that some rural land will be available for homesites. That residential lots may be permitted within UGBs does not, ipso facto, mean that residential uses of lands outside UGBs are forbidden. *DLCD v. Klamath County*, 42 Or LUBA 368 (2002).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A petitioner must do more than merely raise an issue concerning Goal 14 to raise an issue concerning compliance with local provisions that implement Goal 14. Failure to raise an issue concerning the local provisions below precludes a petitioner from raising an issue concerning those local provisions for the first time on appeal. *Durig v. Washington County*, 40 Or LUBA 1. (2001)

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. The rural fire service facilities authorized by ORS 215.283(1)(w) are not required to serve rural areas exclusively. *Keicher v. Clackamas County*, 39 Or LUBA 521 (2001).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. In considering whether a rural fire service facility authorized by ORS 215.283(1)(w) primarily serves rural rather than urban areas, areas inside UGBs and any areas outside a UGB for which an exception to Goal

14 has been approved to allow urban-level development must be considered urban. *Keicher v. Clackamas County*, 39 Or LUBA 521 (2001).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A fire station with only five percent of its service area inside a UGB and somewhere between 67 percent and 76 percent of its incident responses going to rural areas outside the UGB primarily serves rural areas. *Keicher v. Clackamas County*, 39 Or LUBA 521 (2001).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Seven lot of record dwellings on lots that range in size from as small as two acres to as large as eight acres are properly viewed as rural land uses. *Friends of Yamhill County v. Yamhill County*, 39 Or LUBA 478 (2001).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A farm and feed store does not become an impermissible urban use in a rural residential zone simply because 10 percent of its sales are nonfarm-related items and its customer base may include residents in nearby urban areas. *Barge v. Clackamas County*, 39 Or LUBA 183 (2000).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Rezoning a 680-acre parcel to allow it to be developed as a residential planned unit development with commercial development at a density of one unit per five acres with no minimum lot size is not necessarily a permissible “rural” use of land, even if community water and sewer are not allowed. *DLCD v. Klamath County*, 38 Or LUBA 769 (2000).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. The present development intentions of current owners are not determinative as to whether undeveloped lands may require urban services in the near future. A local government may assume that continued resource use will render near term urbanization of property within the urban growth boundary impracticable, even if the current owners of urbanizable land testify that they do not intend to develop their property for urban uses anytime soon. *Malinowski Farm v. Metro*, 38 Or LUBA 633 (2000).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Where petitioner argues that a Goal 3 exception to allow a subdivision of 10 five-acre lots on rural land also requires an exception to Goal 14, but petitioner fails to explain why such a subdivision constitutes an urban use and fails to challenge the county’s findings that the proposal would be served by rural services, LUBA will reject the argument. *Jackson County Citizens League v. Jackson County*, 38 Or LUBA 489 (2000).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A county urbanization policy that was adopted to implement Goal 14 must be interpreted consistently with Goal 14’s prohibition against approval of urban uses on rural land. *Jackson County Citizens League v. Jackson County*, 38 Or LUBA 37 (2000).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. In approving applications for permits for uses that are specifically allowed in rural EFU zones by ORS 215.213 and 215.283, counties are not required to apply the case-by-case urban/rural analysis that is

required under Goal 14 and *1000 Friends of Oregon v. LCDC (Curry Co.)*, 301 Or 447, 724 P2d 268 (1986), on non-EFU-zoned rural lands. *Jackson County Citizens League v. Jackson County*, 38 Or LUBA 37 (2000).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A county provision requiring that schools outside urban growth boundaries be “scaled to serve the rural population” is not unconstitutionally vague where a reasonable applicant would understand that to comply with that provision, the applicant must submit evidence that the school is no larger than needed to serve the anticipated number of rural students. *Christian Life Center v. Washington County*, 36 Or LUBA 200 (1999).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A county provision requiring that schools outside urban growth boundaries be “scaled to serve the rural population” does not infringe directly on religious practices, and thus is not subject to strict scrutiny, absent a showing that the proposed parochial school must exist on the same rural property as its supporting church for members to exercise their rights to free exercise of religion and their right to direct their children’s education. *Christian Life Center v. Washington County*, 36 Or LUBA 200 (1999).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. The Free Exercise Clause does not require an exemption from a county zoning ordinance that prohibits urban-sized schools on rural land, where the county has a strong interest in maintaining the boundaries between rural and urban uses, and the ordinance imposes only the minimal burden on religious practice of requiring the applicant to build a smaller parochial school than desired or locate the school on property within the nearby urban growth boundary. *Christian Life Center v. Washington County*, 36 Or LUBA 200 (1999).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Where the county approves a golf course expansion without adopting findings addressing a comprehensive plan provision that prohibits approval of urban uses outside urban growth boundaries, LUBA will remand the decision so that the county can adopt findings addressing whether the subject golf course is “urban” and whether the proposed expansion of the golf course is consistent with the comprehensive plan provision. *DLCD v. Jackson County*, 36 Or LUBA 88 (1999).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. The term “rural community” as used in OAR 660-012-0045(3) of the Transportation Planning Rule is broader than the term “rural community” as defined in OAR 660-022-0010(7) of the Unincorporated Communities rules. *Dept. of Transportation v. Douglas County*, 34 Or LUBA 608 (1998).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Goal 14 is applicable to a plan amendment redesignating rural land as commercial, where the land is outside the UGB and the commercial designation would permit any commercial use of any size or intensity, including large commercial uses such as a Wal-Mart store that are urban in character and intensity. *Geaney v. Coos County*, 34 Or LUBA 189 (1998).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. In approving comprehensive plan and zoning map amendments, the county’s findings must demonstrate that

Goal 14 is satisfied without reliance on past practices or on plan and code provisions that are subject to revision during periodic review. *Brown v. Jefferson County*, 33 Or LUBA 418 (1997).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Under Goal 14, a decision to allow an intensification of use outside an urban growth boundary cannot be allowed to undermine the effectiveness of adjacent urban growth boundaries; one way this may occur is through the provision of urban facilities and services to rural areas. *Brown v. Jefferson County*, 33 Or LUBA 418 (1997).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. 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).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A two-acre minimum lot size on property located within two miles of a UGB, in combination with the provision of an urban water system and access to public schools, raises valid concerns about the impacts of a proposed subdivision on the UGB, and a finding that consists solely of a city administrator’s opinion that the city has no concerns regarding the impact of the proposed subdivision is not substantial evidence to support the county’s conclusion that the proposed subdivision will not affect the UGB. *Brown v. Jefferson County*, 33 Or LUBA 418 (1997).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Where a county imposes specific requirements on proposed guest houses relating to minimum lot size, maximum square footage, site location and utility connections, and the county addresses the rural nature of the area, the county does not err by failing to specifically address Goal 14. *Doob v. Josephine County*, 33 Or LUBA 27 (1997).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. The county’s determination that Goal 14 is not applicable to a zone change because the change does not convert rural land to urban uses must address relevant site-specific factors, including the location of the use relative to urban growth boundaries and the availability of urban services. *Doob v. Josephine County*, 32 Or LUBA 376 (1997).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. When a county rezones a 13-acre parcel to rural residential, one-acre minimum, the county’s finding acknowledging that the applicant agreed to a deed restriction creating a maximum of eight lots, with a minimum lot size of 1.5 acres, does not support a determination that the rezone does not allow an urban use. *Doob v. Josephine County*, 32 Or LUBA 364 (1997).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Churches are not inherently urban in nature. A church that does not require urban services, serves a primarily rural congregation, and is used for religious services and educational programs is not an urban use requiring an exception from Goal 14. *Cox v. Yamhill County*, 29 Or LUBA 263 (1995).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. By definition, all land outside an acknowledged UGB and not the subject of an exception to Goal 14 is “rural” land. When amending its acknowledged comprehensive plan and zone designations for such land, a local government must demonstrate that the new plan and zone designations comply with Goal 14 or adopt an exception to Goal 14. *Churchill v. Tillamook County*, 29 Or LUBA 68 (1995).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. Plan and zone designations that allow residential development on lots smaller than one-half acre, with community water and sewer services, allow urban uses. *Churchill v. Tillamook County*, 29 Or LUBA 68 (1995).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. 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).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. 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).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. 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).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. 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).

18.5 Goal 14 – Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. 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).