

18.8 Goal 14 – Urbanization – Urban Reserves. Although the county concedes it erred in denying a plan amendment and zone change application based on the belief that the subject property was, at the time the county made its decision, within a designated urban reserve area, when the LCDC’s urban reserve designation regarding the subject property had not actually become final at the time in question, LUBA will not remand the decision if the county’s decision identifies at least one valid basis for denial that is affirmed on appeal. *Stafford Investments, LP v. Clackamas County*, 78 Or LUBA 320 (2018).

18.8 Goal 14 – Urbanization – Urban Reserves. LUBA will uphold a county’s interpretation of its own comprehensive plan policy regarding when a property may be designated rural commercial where the county evaluated the historic uses of the subject property and concluded that those uses did not demonstrate a “historical commitment to commercial uses,” after concluding that (1) temporary commercial uses, (2) incidental or accessory commercial uses to permitted residential or farm uses on the property, and (3) the current unlawful commercial uses on the property were not sufficient to demonstrate “historical commitment” of the property to commercial use, where the county chose to focus on “commitment” which the county understood to require an inquiry into the nature of the historic uses on the property and a determination of whether commercial uses have constrained the scope of the uses on the property such that going forward only commercial uses are feasible, rather than defining commitment in terms of years of commercial use. *Stafford Investments, LP v. Clackamas County*, 78 Or LUBA 320 (2018).

18.8 Goal 14 – Urbanization – Urban Reserves. Under OAR 660-021-0040(4), when resource lands are designated as an Urban Reserve, they must continue to be planned and zoned for the resource uses they were planned and zoned for under Goal 3, Goal 4, Goal 16, Goal 17 or Goal 18 until they are included in the UGB and made available for urban development. *Central Oregon Landwatch v. Jefferson County*, 65 Or LUBA 75 (2012).

18.8 Goal 14 – Urbanization/ Goal 14 Rule – Urban Reserves. It would be inconsistent with ORS 197.625 to allow a local government to rely on an unacknowledged urban reserve designation as a means to avoid the necessity of finding compliance with Goal 14 and other applicable criteria. *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565 (2000).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. A local government does not violate the Goal 2 consistency requirement by using updated population projections instead of population projections in its comprehensive plan to determine the size of the urban land need under the urban reserve rule, OAR 660-021-0030, where the two projections serve different purposes and use of the updated projections does not undermine or conflict with the comprehensive plan or implementing regulations. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. The urban reserve rule does not require local governments to study *all* adjacent lands for suitability for inclusion in urban reserves. However, the inventory of suitable lands that the local government compiles must be responsive in size and composition to the urban land need and the priorities provided in OAR 660-021-0030(3). *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. A local government cannot rely upon an inadequate supply of higher priority lands to designate lower priority lands into urban reserves under OAR 660-021-0030(3) or (4), where the local government created the inadequacy it relies upon by failing to include enough higher priority lands in the inventory of suitable lands it compiled under OAR 660-021-0030(2). *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. The primary purpose of OAR 660-021-0030(5) is to develop findings that can form the basis of comprehensive plan language to guide future urbanization decisions. Thus, OAR 660-021-0030(5) requires that the local government adopt findings describing the results of its consideration of the suitability criteria in OAR 660-010-0030(2) for all lands included in urban reserves. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. In determining whether land is suitable for inclusion in urban reserves under the criteria at OAR 660-021-0030(2), evaluation of suitability under Goal 14, factors 3 to 7 is sufficient to show that land is suitable under each of the criteria at Goal 2, Part II, ORS 197.732(1)(c) and OAR 660-004-0010(1)(c)(B), with the exception of the alternative sites analysis required under Goal 2, Part II (b), ORS 197.732(1)(c)(ii), and OAR 660-004-0010(1)(c)(B)(ii). *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. In determining whether land is suitable for inclusion in urban reserves, OAR 660-021-0030(2) requires that, prior to including any lower priority land in urban reserves pursuant to OAR 660-021-0030(4), the local government must conduct an alternative sites analysis sufficient to demonstrate that nonresource lands cannot reasonably accommodate the need that justifies the inclusion of land under OAR 660-021-0030(4). *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. In order to find that land is suitable for inclusion in urban reserves under OAR 660-021-0030(2), the local government must define a threshold for each applicable Goal 14 factor, and determine with respect to the lands studied whether the land achieves that defined threshold for each of the applicable Goal 14 factors. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. In determining whether land is suitable for inclusion in urban reserves under OAR 660-021-0030(2), “maximum efficiency of land uses” under Goal 14, factor 4 means that including the land under consideration in urban reserves would encourage (1) urbanization of lands proximate to existing urbanization over more distant lands and (2) urbanization of partially developed lands over undeveloped lands. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. Because land found suitable for urban reserves can be included in urban reserves only under the priorities established in OAR 660-021-0030(3), a local government cannot apply criteria extrinsic to the urban reserve rule to exclude otherwise suitable land from consideration, where doing so alters the inventory of suitable lands

in a manner that allows designation of lands in violation of the OAR 660-0021-0030(3) priorities. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. Local governments can include resource land in urban reserves as first priority lands under OAR 660-021-0030(3)(a) only where the resource land is completely bordered on all sides by lands for which an exception to Goals 3 or 4 has been taken. Resource land that is partially surrounded by other resource lands is not “completely surrounded by exception areas” within the meaning of OAR 660-021-0030(3)(a). *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. Any lands designated as “marginal lands” pursuant to ORS 197.247 retain that status, notwithstanding repeal of that statute. Where the local government is considering lands for inclusion in urban reserves that might include marginal lands, it must correctly identify those lands and assign them second priority status pursuant to OAR 660-021-0030(3)(b). Failure to do so is inconsistent with the urban reserve rule because it treats second priority marginal lands as fourth priority resource lands. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. A local government may include third priority “secondary lands” within urban reserves under OAR 660-021-0030(3)(c) only if such lands have been designated as secondary lands pursuant to a statutory or rule-based definition. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. A local government may substitute lower priority lands for higher priority lands under the exceptions in OAR 660-021-0030(4) only where no land higher in priority than the land under consideration is adequate to accommodate the identified land need. To make that evaluation, the local government must first categorize the inventory of suitable lands according to the OAR 660-021-0030(3) priority scheme. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. The OAR 660-021-0030(4)(a) “jobs/housing” exception requires an analysis of whether higher priority lands, considered cumulatively, can reasonably accommodate the number of housing units or jobs needed to meet the identified need. Local governments err in limiting their analysis under that provision to whether higher priority lands considered individually are reasonable alternatives to the lower priority land under consideration. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. Where a local government includes lands in urban reserves under one or more of the exceptions provided in OAR 660-021-0030(4), it must adopt findings as required by OAR 660-021-0030(5) that are sufficient to ensure that those lands are developed in accordance with the justification for including them in urban reserves. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. Lower priority land may be included in urban reserves under OAR 660-021-0030(4)(c) where inclusion of that land is required in order for a proposed urban reserve area to achieve a maximally efficient urban form. That including

lower priority land in urban reserves would allow provision of urban services to those reserves at least-cost is not a sufficient basis to include land under OAR 660-021-0030(4)(c). *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. Where a local government includes lower priority lands in urban reserves under OAR 660-021-0030(4)(c) because inclusion of such lands is required to achieve the maximum efficiency of land uses, the local government must justify the extent of the lower priority lands included in reserves, and may not include more lower priority lands than are required to achieve that purpose. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. OAR 660-021-0030(4)(c) does not permit a local government to include lower priority lands in urban reserves because those lands are in the vicinity of higher priority lands and their inclusion would amortize costs or achieve an economy of scale in providing urban services to those higher priority lands. The exception in OAR 660-021-0030(4)(c) is directed at circumstances where the geographic relationship between higher priority lands, the urban area, and the lower priority lands under consideration is such that lower priority lands must be included in reserves in order to achieve the maximum efficiency of land uses. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. The requirement at OAR 660-021-0020 that a local government coordinate with affected governmental units in including lands within urban reserves is coextensive with the Goal 2 coordination requirement. Under either requirement, the local government must consider and accommodate as much as possible the needs of affected jurisdictions, and must respond in its findings to the legitimate concerns raised by those jurisdictions. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

18.8 Urbanization/ Goal 14 Rule – Urban Reserves. Designation of “First Tier” urban reserves that will be urbanized or be considered for urbanization before other urban reserves are urbanized or considered for urbanization is inconsistent with Goal 14 where that designation is based on a single Goal 14 factor, rather than on consideration and balancing of all of the Goal 14 factors. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).