BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

LARRY O'ROURKE, DEBRA O'ROURKE, RICHARD McDANIEL, and TERRANCE GANDY, Petitioners, vs. UNION COUNTY, Respondent, and R-D MAC, INC., Intervenor-Respondent.	LUBA No. 94-227 FINAL OPINION AND ORDER

Appeal from Union County.

D. Rahn Hostetter, Enterprise, filed the petition for review and argued on behalf of petitioners. With him on the brief was Mautz Baum Hostetter & O'Hanlon.

No appearance by Union County.

Paul R. Hribernick, Portland, filed the response brief and argued on behalf of intervenor-respondent. With him on the brief was Black Helterline.

SHERTON, Chief Referee; GUSTAFSON, Referee; LIVINGSTON, Referee, participated in the decision.

REMANDED 06/14/95

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

Opinion by Sherton.

NATURE OF THE DECISION

Petitioners appeal an ordinance amending the June 1984 Union County Land Use Plan Supplement (1984 plan supplement) to add a 129-acre site to the Mineral and Aggregate Resources Inventory contained therein.

MOTION TO INTERVENE

R-D Mac, Inc., the applicant below, moves to intervene in this proceeding on the side of respondent. There is no objection to the motion, and it is allowed.

FACTS

The subject property is located southeast of the City of LaGrande. It is designated Exclusive Agriculture on the plan map and is zoned A-1 Exclusive Farm Use, as are the surrounding properties. The subject and adjoining properties are used for grazing and crop production, except that the subject property is adjoined on the southwest by Interstate Highway 84. There are two dwellings and several livestock outbuildings located on the northwest corner of the subject property. The property is bisected by the Grande Ronde Irrigation Ditch.

On August 8, 1994, intervenor-respondent R-D Mac, Inc. (intervenor), applied for a conditional use permit to move its existing aggregate extraction and processing operation, including a shop, office, scales, concrete and asphalt batch plants, rock crushers and stock piles, to the subject

property. Record 96, 98. Intervenor's application narrative also requested that "the site be added to the County's '1-B' inventory of Goal 5 resources."[1] Record 98.

The county treated intervenor's application as separate applications for a conditional use permit and for a postacknowledgment comprehensive plan amendment.[2] Record 83, 91. On August 22, 1994, the planning commission held a public hearing on the proposed plan amendment and recommended approval to the board of commissioners. The board of commissioners held a de novo evidentiary hearing on the proposed plan amendment on October 5, 1994, and left the

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[1]The Statewide Planning Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources) implementing rule requires that certain resources, including aggregate sites, be inventoried, conflicting uses for those sites be identified and their economic, social, environmental and energy consequences analyzed, and a resource protection program developed. OAR Chapter 660, Division 16. However, as is explained in more detail below, under OAR 660-16-000(5)(b), when the available information is inadequate to identify with particularity the location, quality and quantity of a specific resource site, the local government may simply include the site on its plan inventory "as a special category," and adopt a plan policy requiring that the Goal 5 planning process be completed some time in the future. Such sites are commonly referred to as "1B" sites.

[2]ORS 215.298(2) provides:

> "A permit for mining of aggregate [on land zoned for exclusive farm use] shall be issued only for a site included on an inventory in an acknowledged comprehensive plan."

Presumably, the county believes that under the above quoted statute, approval of the requested conditional use permit for extraction and processing of aggregate on the subject EFU-zoned property is dependent on approval and acknowledgment of the challenged plan amendment adding the subject site to the plan's mineral and aggregate resources inventory. However, as far as we can tell, the record in this appeal does not reveal the county's disposition of intervenor's conditional use permit application, and the county's decision on that application, if one has been made, is not before this Board.

written record open until October 14, 1994. The board of commissioners subsequently adopted the challenged ordinance amending the 1984 plan supplement to add the subject property to the "inventoried aggregate sites in Table AS" of the supplement, "under the Exclusive Agriculture Plan Classification," as follows:

> "Twp. 3S, Range 38 EWM, Section 15, Tax Lots 200 and 201, about 128.90 acres. (This is a 1B site which will be reviewed through the Goal 5 process before the County's next periodic review.)" Record 3.

SIXTH ASSIGNMENT OF ERROR

Petitioners contend the planning commission improperly denied petitioners the opportunity to submit evidence and argument concerning "adjacent agricultural lands and land use patterns, the airport, alternative aggregate sites, environmental, social and economic impacts, and the absence of a public need for additional aggregate sites." Petition for Review 11-12. Petitioners concede evidence and argument on these issues was allowed at the hearing before the board of commissioners.

Petitioners argue, however, that the board of commissioners' hearing did not cure the planning commission's error in making its recommendation on the proposed plan amendment after prohibiting the submittal of relevant evidence, because Union County Zoning Ordinance (UCZO) 23.03 requires that a planning commission recommendation be received before the board of commissioners

can consider a proposed plan amendment.[3] According to petitioners, under the UCZO, without a proper recommendation from the planning commission, the board of commissioners lacks jurisdiction to approve a plan amendment. Petitioners also argue they were prejudiced by the planning commission's refusal to accept relevant evidence because, had the planning commission heard the evidence and consequently recommended denial of the proposed plan amendment, the board of commissioners would itself have been more inclined to deny the amendment.

We have repeatedly held that procedural errors in proceedings before a lower level local decision maker may be cured by de novo review by a higher level local decision

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[3]With regard to plan amendments, UCZO 23.03 (Procedures) provides, in relevant part:

> "* * * * *
>
> "4. The Planning Commission shall conduct a public hearing to receive pertinent evidence and testimony * * *.
>
> "5. The Planning Commission shall, after the hearing, recommend to the [Board of Commissioners] approval, disapproval, or modification of the proposed amendment.
>
> "* * * * *
>
> "7. The [Board of Commissioners] shall conduct a public hearing to review the Planning Commission's recommendation and receive any 'new' pertinent evidence and testimony * * *.
>
> "Substantially new testimony at the [Board of Commissioners] hearing could result in referral to the Planning Commission.
>
> "* * * * *"

maker. Wilson Park Neigh. Assoc. v. City of Portland, 23 Or LUBA 708, 713-14 (1992); Murphey v. City of Ashland, 19 Or LUBA 182, 189-90, aff'd 103 Or App 238 (1990); Slatter v. Wallowa County, 16 Or LUBA 611, 617 (1988); Fedde v. City of Portland, 8 Or LUBA 220, 223 (1983), aff'd 67 Or App 801 (1984). This principal applies not only where a permit decision is appealed to a higher level local decision maker, but also where a planning commission's recommendation concerning a proposed plan amendment is reviewed by the governing body. Burk v. City of Umatilla, 20 Or LUBA 54, 57-58 (1990). In this case, the board of commissioners conducted a de novo evidentiary hearing on the proposed plan amendment, and petitioners do not contend they were denied their substantial rights to submit and rebut evidence before the board of commissioners. We therefore agree with intervenor that the alleged error in the planning commission proceedings was cured by the board of commissioners' de novo review.

Furthermore, petitioners do not establish that error in the procedures by which the planning commission arrived at its recommendation would deprive the board of commissioners of jurisdiction over the proposed plan amendment. UCZO 23.03(7) requires the board of commissioners to review the planning commission's recommendation on a proposed plan amendment, which occurred in this case. Nothing in UCZO Article 23 limits the board of commissioners' jurisdiction

to adopt a plan amendment to instances where an error-free planning commission recommendation is before it. Cf. Sunnyside Neighborhood v. Clackamas Co. Comm., 280 Or 3, 8, 569 P2d 1063 (1977); Burk v. City of Umatilla, supra, 20 Or LUBA at 58. Additionally, the error alleged here is failure to allow certain testimony during the planning commission proceeding. UCZO 23.03(7) specifically states that where substantial "new" testimony is submitted to the board of commissioners, the board of commissioners may or may not refer the matter back to the planning commission.

The sixth assignment of error is denied.

FIRST ASSIGNMENT OF ERROR

A. Public Need

UCZO 23.05(3)(A) requires that a plan amendment satisfy the following standard:

> "Community attitudes and/or physical, social, economic, or environmental changes have occurred in the area or related areas since plan adoption and that a public need supports the change, or that the original plan was incorrect." (Emphasis added.)

Petitioners contend the county's findings are inadequate to satisfy the "public need" requirement of UCZO 23.05(3)(A) because they address only intervenor's need for additional aggregate resources, not the public need for such resources. According to petitioners, the fact that intervenor's current aggregate site will last only another six to seven years, is not relevant to determining public

need. Petitioners concede the county's findings discuss a public need for competition in the aggregate industry. Petitioners argue, however, that even if a need for competition can be considered a "public need," the findings fail to demonstrate that if intervenor does not obtain another aggregate site, competition will be adversely affected. Finally, petitioners contend there is no evidence in the record to support a finding that there is a public need for additional aggregate resource sites in the county.

The county findings state that recent economic development and population growth have resulted in depletion of the mineral and aggregate resources sites protected by the plan at a faster than expected rate. Record 4-5. The findings go on to state:

> "As the County grows, its needs continue for mineral and aggregate material. Mineral and aggregate forms the base for roads and business development, and it is also an essential element of concrete and asphalt [which] are used in residential, commercial, industrial and transportation building projects. In supplying the demand for mineral and aggregate material in the region, it is [in] the public's best interest to have multiple sources of supply in order to ensure competitive prices and sufficient capacity to timely deliver the product. * * * We feel there is a substantial public need in preserving mineral and aggregate sources for long-term supply and in protecting the competitive nature of the market in Union County. This directly translates to a public need [for] the protection of the [subject property] for mineral and aggregate extraction and the need for granting operating permits for the site." Record 5-6.

Contrary to petitioners' argument, the above described findings do more than consider intervenor's aggregate needs. They explain aggregate resource sites already on the plan inventory are being depleted faster than expected, and conclude there is a "public need" to preserve additional aggregate resource sites to provide for long-term supply and to provide multiple sites to protect the competitive nature of the aggregate market. The findings also explain why it is in the public interest that a competitive aggregate market be maintained. In view of the subjective nature of "public need," and the considerable discretion county governing bodies have under ORS 197.829 and Clark v. Jackson County, 313 Or 508, 836 P2d 710 (1992) in interpreting their own enactments, these findings are adequate to support the county's determination that there is a "public need" to add the subject site to the plan mineral and aggregate resources inventory as a 1B site. Furthermore, a reasonable person could make such a determination based on the evidence to which we are cited in the record. Record 60, 76-78, 98.

This subassignment of error is denied.

B. Alternative Sites

UCZO 23.05(3)(B) requires that a plan amendment satisfy the following standard:

> "Alternative sites for the proposed uses will be considered which are comparable with the other areas which might be available for the uses proposed."

Petitioners contend the county's findings are inadequate to satisfy the above standard because they fail to identify or discuss comparable sites, such as those listed in the existing plan mineral and aggregate resources inventory. Petitioners argue the county improperly dismissed sites from consideration simply because they were not presently for sale. Petitioners also argue the findings demonstrate only that intervenor considered alternative sites, not that the county itself considered alternative sites. Finally, petitioners contend there is no evidence in the record to support a determination that the county considered comparable alternative sites.

Because the purpose of the proposed plan amendment is to add a site to the plan mineral and aggregate resources inventory, albeit as a "1B" site, and we sustain above the county's determination that there is a public need for additional long-term aggregate resources, we fail to see why the county should be required to consider other aggregate sites already on the plan inventory as comparable alternative sites under UCZO 23.05(3)(B). The findings also explain the county declined to consider sites which do not contain sufficient quantities of alluvial rock (as opposed to quarry rock), sites located near the Grande Ronde River, sites too far outside the LaGrande market area, and sites not available for aggregate use, as comparable alternative sites. Record 6-7. The findings also explain why the

county believes these factors make a site an unsuitable alternative for placement on the plan mineral and aggregate resources inventory. Id. The findings conclude:

> "* * * The [subject] site is a superior choice because of close transportation links to the market area and availability of alluvium rock. In comparison to alternative sites, the [subject] site has limited impacts and has a type of rock which is more useful in a wider variety of concrete applications." Record 8.

The county's findings are sufficient to demonstrate that it considered alternative sites, as required by UCZO 23.05(3)(B), and are supported by substantial evidence in the record.

This subassignment of error is denied.

The first assignment of error is denied.

THIRD ASSIGNMENT OF ERROR

OAR 660-16-000(1)-(4) require a local government to analyze the location, quality and quantity of Goal 5 resource sites, and to determine their relative significance. OAR 660-16-000(5) provides that "based on data collected, analyzed and refined by the local government," as described in OAR 660-16-000(1)-(4), the local government has three options -- (1) to include the site on the Goal 5 inventory and complete the Goal 5 planning process; (2) not to include the site on its Goal 5 inventory; and (3) to delay the Goal 5 planning process. The delay option, generally referred to as the "1B" option, is described in OAR 660-16-000(5)(b):

> "Delay Goal 5 Process: When some information is available, indicating the possible existence of a resource site, but that information is not adequate to identify with particularity the location, quality and quantity of the resource site, the local government should only include the site on the comprehensive plan inventory as a special category. The local government must express its intent relative to the resource site through a plan policy to address that resource site and proceed through the Goal 5 process in the future. The plan should include a time-frame for this review. Special implementing measures are not appropriate or required for Goal 5 compliance purposes until adequate information is available to enable further review and adoption of such measures. The statement in the plan commits the local government to address the resource site through the Goal 5 process in the post-acknowledgment period. Such future actions could require a plan amendment." (Emphasis added.)

A. Time-Frame for Review

The challenged decision adds the following parenthetical statement as part of the plan mineral and aggregate resources inventory listing for the subject site:

> "This is a 1B site which will be reviewed through the Goal 5 process before the County's next periodic review." Record 3.

Petitioners contend this statement is insufficient to establish the "time-frame" for completing the Goal 5 process required by the above emphasized portion of OAR 660-16-000(5)(b).

We disagree. OAR 660-16-000(5)(b) contemplates that the Goal 5 process for 1B sites will be completed during a legislative plan update proceeding. Larson v. Wallowa

County, 23 Or LUBA 527, 540, rev'd on other grounds 116 Or App 96 (1992). The above quoted statement is adequate to establish a time-frame for that process.

This subassignment of error is denied.

B. Significance of Site

Petitioners argue that under OAR 660-16-000(1),[4] the county must find the site is a "significant" aggregate site before it can place the subject site on its plan inventory in even a 1B category. Petitioners argue the county failed to make such a finding. Petitioners further argue there is not substantial evidence in the record to support placing the site on the plan inventory in a 1B category.[5] According to petitioners, the only evidence in the record is oral testimony by intervenor's representative that he dug 15 holes 20-feet deep with a backhoe and "found rock." Record 68. Petitioners contend there is no evidence in the record regarding the quality of the rock or where on the subject site the 15 test holes were dug.

Construing all parts of OAR 660-16-000 together, it is

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[4]OAR 660-16-000(1) provides, in relevant part:

> "* * * Based on the evidence and [the] local government's analysis of [the] data [regarding a particular site], the local government then determines which resource sites are of significance and includes those sites on the final plan inventory."

[5]This argument is also made under the seventh assignment of error. We address this aspect of the seventh assignment of error here.

clear that the analysis of resource location, quality and quantity and determination of site significance mandated by OAR 660-16-000(1)-(4) are required to be completed only if the 1A (do not put on inventory) or 1C (place on inventory and complete Goal 5 process) options are chosen. The 1B option is to be used where the available information "indicat[es] the possible existence of a resource site," but is not sufficient to perform the analysis required by OAR 660-16-000(1)-(4).

Consequently, the county is not required to make a significance determination regarding the subject site at this time, and its decision to list the subject site on its inventory as a 1B site need only be supported by evidence in the record that would allow a reasonable person to conclude it is possible the site is an aggregate resource site. The parties cite evidence in the record indicating several people testified there is aggregate material underlying the site, although there is no detailed evidence in the record regarding location, quality or quantity of the resource. Record 17, 32, 68, 101, 105, 14j-l. This is precisely the situation in which use of the 1B option is appropriate.

This subassignment of error is denied.

The third assignment of error is denied.

FOURTH ASSIGNMENT OF ERROR

A. OAR 660-16-030(1)

OAR 660-16-030(1) provides, as relevant:

> "When planning for and regulating the development of aggregate resources, local governments shall address ORS 517.750 to 517.900 * * *."

Petitioners contend the county adopted no findings, and there is no evidence in the record, addressing ORS 517.750 to 517.900, the Mined Land Reclamation statute.

Petitioners do not explain in what ways the provisions of ORS 517.750 to 517.900 are relevant to a decision to list a site as a 1B site on a plan aggregate resources inventory. As far as we can tell, a decision to list a site on a plan aggregate resources inventory as a 1B site simply indicates the possible existence of an aggregate resource site. Such a decision, of itself, neither plans for nor regulates the development of aggregate resources.[6] Therefore, OAR 660-16-030(1) does not apply.

This subassignment of error is denied.

B. OAR 660-16-030(2)

OAR 660-16-030(2) provides:

> "Local governments shall coordinate with the State Department of Geology and Mineral Industries [(DOGAMI)] to ensure that requirements for the reclamation of surface mines are incorporated into programs to achieve the Goal developed in accordance with OAR 660-16-010."

Petitioners contend the county failed to address the requirements of OAR 660-16-010 or coordinate with DOGAMI

[6]A decision to grant a conditional use permit for aggregate extraction from such a site arguably "regulat[es] the development of aggregate resources," but no such decision is before us.

regarding its procedures for issuing aggregate permits.

The OAR 660-16-010 requirement to develop a program to achieve the goal of resource protection is the final step in the Goal 5 planning process. Where a 1B option of delaying the Goal 5 process is selected, OAR 660-16-010 does not apply. Consequently, OAR 660-16-030(2) does not apply to the challenged decision.

This subassignment of error is denied.

The fourth assignment of error is denied.

FIFTH ASSIGNMENT OF ERROR

Petitioners argue the proposed aggregate site is subject to the county's Airport Overlay (AP) zone. Petitioners further argue UCZO 16.05(2) prohibits the following uses in the AP zone:

> "Landfills, garbage dumps, water impoundments or other uses which attract birds."

Petitioners contend use of the subject property for aggregate extraction will result in water collecting all over the property, which will attract birds from a nearby wildlife refuge. According to petitioners, the challenged decision should include a determination on whether use of the subject property for aggregate purposes complies with UCZO 16.05(2).

The challenged decision does not purport to approve an aggregate extraction operation on the subject property. Rather, it merely commits the county to completing the Goal 5 planning process regarding the subject property

sometime in the future. We fail to see how UCZO 16.05(2) has any applicability to a decision that simply recognizes the existence of a possible aggregate resources site.[7]

The fifth assignment of error is denied.

SEVENTH ASSIGNMENT OF ERROR

With regard to plan amendments, UCZO 23.05(2) (The Burden of Proof) provides, in relevant part:

> "The burden of proof is placed on the applicant seeking an action pursuant to this ordinance. * * * Unless otherwise provided for in this ordinance, such burden shall be to prove:
>
> "A. That granting the request is within the public interest, taking into consideration that the greater the departure from the present land use patterns, the greater the burden on the applicant.
>
> "* * * * *"

Petitioners contend the county failed to satisfy UCZO 23.05(2)(A) because it did not adopt findings demonstrating the challenged plan amendment is within the public interest, in light of the agricultural land use pattern of the area.

Intervenor contends that under ORS 197.763(1) and 197.835(2), the issue of compliance with UCZO 23.05(2)(A) has been waived and cannot be raised in this appeal.[8]

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[7]Of course, when the county does complete the Goal 5 planning process for this site, UCZO 16.05(2) may well be relevant to the identification of conflicting uses required by OAR 660-10-005.

[8]ORS 197.763(1) provides, in relevant part:

According to intervenor, no argument regarding UCZO 23.05(2)(A) was made during the county proceedings in a manner sufficient to provide the county decision maker or intervenor an opportunity to respond concerning this issue.

Petitioners respond that they were precluded from raising the issue of compliance with UCZO 23.05(2)(A) during the planning commission proceeding because the planning commission refused to accept evidence or argument on this issue. However, petitioners concede this issue could have been raised during the evidentiary hearing before the board of commissioners. Because the issue of compliance with UCZO 23.05(2)(A) was not raised prior to the closing of the evidentiary record of the county's proceeding, petitioners may not raise it in this appeal.

The seventh assignment of error is denied.

SECOND ASSIGNMENT OF ERROR

Petitioners argue a comprehensive plan amendment must

> "An issue which may be the basis for an appeal to [LUBA] shall be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the local government. Such issues shall be raised with sufficient specificity so as to afford the [local government decision maker], and the parties an adequate opportunity to respond to each issue."

ORS 197.835(2) provides, in relevant part:

> "Issues [raised before LUBA] shall be limited to those raised by any participant before the local hearings body as provided in ORS 197.763. * * *
>
> "* * * * *"

be supported by findings establishing compliance with the Statewide Planning Goals (goals). Petitioners point out the county's findings fail to address any of the goals. According to petitioners, had the county considered the goals, it would have found that Goals 3 (Agricultural Lands), 5, 6 (Air, Water and Land Resources Quality) and 9 (Economic Development) are applicable to the challenged decision.

Intervenor contends the challenged decision is not required to address the goals, because it is not really an amendment to the county's comprehensive plan, but rather an action taken under the county's acknowledged comprehensive plan. Intervenor argues that in 1991, the county adopted Ordinance 1991-10, which itself adopted several amendments to the county's plan and land use regulations, including the adoption of a document titled "Alluvial Aggregate Resources Union County, Oregon, July 1991" (1991 plan supplement) as a supplement to the comprehensive plan.[9] According to intervenor, the 1991 plan supplement became acknowledged under ORS 197.625 when an appeal to this Board from that decision was dismissed. Leonard v. Union County, 24 Or LUBA 362 (1992).

The 1991 plan supplement, at page 25, includes a map that outlines the alluvial fan of the Grande Ronde River

[9]We take official notice of this document.

(Map 2). This alluvial fan encompasses approximately 22 square miles, including most or all of the cities of La Grande and Island City, and the subject site. Id. at p. 23. Intervenor characterizes Map 2 as a Goal 5 "inventory map." Intervenor argues:

> "* * * The County's present action merely refined its Goal 5 mapping for mineral and aggregate resources by inserting an additional property description on 'Table AS' [of the 1984 plan supplement] for one site within the existing and mapped Grande Ronde alluvial fan. Accordingly, the County is actually taking an action under its comprehensive plan and, therefore, the county's action need only comply with the county's plan. The analysis in Foland v. Jackson County, 311 Or 167, 807 P2d 801 (1991), [applies]."[10] (Emphases by intervenor.) Intervenor's Brief 15-16.

Intervenor further argues that the county plan includes policies requiring that the alluvial fan areas, such as that shown in Map 2, be reassessed and analyzed prior to periodic review.[11] Intervenor's argument is based on a

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[10]Intervenor explains that in Foland, Jackson County had adopted as part of its plan a "refinement clause" that permitted modification of a plan map to more precisely map areas not suitable for destination resorts. Intervenor argues the Oregon Supreme Court concluded that regardless of whether the applicants had requested a plan amendment and the county had labeled its decision a plan amendment, the decision to modify the map "was not an 'amendment' to the acknowledged comprehensive plan, [but rather] the county's exercise of its power under the refinement clause -- a provision of the acknowledged plan." Foland, supra, 311 Or at 180.

[11]The policies cited by intervenor provide:

> "16. For Goal 5 resources where some information is available, but that information is not adequate to identify either their location, quality or quantity, the resource will be reassessed through the Goal 5 review process prior to the first periodic review." Intervenor's Brief, App. B.

contention that Map 2 of the 1991 supplement places the entire 22-square mile alluvial fan of the Grande Ronde River on the county's mineral and aggregate resources inventory, as a 1B site. However, we are not cited to any provision of the 1991 supplement specifically stating that Map 2 designates a 1B site under OAR 660-16-000(5)(b) or referring to a process for refining the alluvial fan maps in the 1991 plan supplement, other than by completing the Goal 5 planning process.

Perhaps more importantly, intervenor's argument depends on interpreting various provisions of the 1991 plan supplement vis-a-vis the role Map 2 plays in the Goal 5 planning process. As mentioned supra, we are required to defer to a local governing body's interpretation of its own enactment, unless that interpretation is contrary to the express words, purpose or policy of the local enactment or to a state statute, statewide planning goal or administrative rule which the local enactment implements. ORS 197.829; Gage v. City of Portland, 319 Or 308, 316-17, 877 P2d 1187 (1994); Clark v. Jackson County, supra.[12] This

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> "23. Potential instream and upland aggregate resources adjacent to the Grande Ronde River from the mouth of the canyon to Pierce Lane Bridge will be analyzed prior to the County's first periodic review through the Grande Ronde River Corridor Management Study which will address the Goal 5 process." Id.

[12]ORS 197.829 was enacted to codify Clark, but was not in effect when this Board made the decision reviewed in Gage. Nevertheless, the court of appeals has stated that it will interpret ORS 197.829 to mean what the

means we must defer to a local government's interpretation of its own enactments, unless that interpretation is "clearly wrong." Reeves v. Yamhill County, 132 Or App 263, 269, ___ P2d ___ (1995); Goose Hollow Foothills League v. City of Portland, 117 Or App 211, 217, 843 P2d 992 (1992); West v. Clackamas County, 116 Or App 89, 93, 840 P2d 1354 (1992).

The challenged decision does not interpret the 1991 plan supplement as already designating the subject property as a 1B inventory site or providing a method of doing so without amending the acknowledged plan. Rather, the decision takes the position that in order for the subject property to be designated as a 1B site, an amendment to the 1984 plan supplement is required.[13] Record 3-4. This interpretation of the county's plan is not clearly wrong, and we must therefore defer to it.

It is well established that all plan amendments must comply with the goals. 1000 Friends of Oregon v. Jackson County, 79 Or App 93, 98, 718 P2d 753 (1986), rev den 301 Or 445 (1987). Here, the county adopted no findings of compliance with the goals, other than Goal 5. We are unable to determine that Goals 3, 6 and 9 do not apply to the

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Supreme Court, in Gage, interpreted Clark to mean. Watson v. Clackamas County, 129 Or App 428, 431-32, 879 P2d 1309, rev den 320 Or 407 (1994).

[13]We also note that the county processed the subject decision as a postacknowledgment plan amendment with regard to providing notices to the Department of Land Conservation and Development pursuant to ORS 197.610 and 197.615. Record 10, 91.

subject plan amendment as a matter of law. It is the local government's obligation to explain in its findings why arguably applicable goal standards need not be addressed and satisfied. 1000 Friends of Oregon v. Washington County, 17 Or LUBA 671, 685 (1989), citing Jackson-Josephine Forest Farm Assn. v Josephine County, 12 Or LUBA 40, 43 (12984); Concerned Property Owners of Rocky Point v. Klamath County, 3 Or LUBA 182, 185 (1981). The county erred by failing to explain in its decision why Goals 3, 6 and 9 do not apply to the proposed plan amendment or why the amendment complies with these goals.

The second assignment of error is sustained, in part.

The county's decision is remanded.