

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3 FRIENDS OF LINN COUNTY,

4 *Petitioner,*

5 vs.

6 LINN COUNTY,

7 *Respondent,*

8 and

9 CITY OF HARRISBURG,

10 *Intervenor-Respondent.*

11 LUBA Nos. 2001-165 and 2001-168

12 FINAL OPINION

13 AND ORDER

14 Appeal from Linn County.

15 Carrie A. Richter, Portland, filed the petition for review and argued on behalf of
16 petitioner.

17 No appearance by Linn County.

18 Bryan K. Churchill, Albany, filed the response brief and argued on behalf of
19 intervenor-respondent. With him on the brief were Andrew Noonan and Long, Delapoer,
20 Healy, McCann and Noonan, PC.

21 BRIGGS, Board Member; HOLSTUN, Board Chair; BASSHAM, Board Member,
22 participated in the decision.

23 REMANDED

24 02/13/2002

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

NATURE OF THE DECISION

Petitioner challenges a county decision (1) approving an expansion to an urban growth boundary (UGB) to include 9.5 acres; (2) amending the county comprehensive plan map to redesignate the 9.5 acres from Agricultural Resource to the city’s plan map designation of Single Family Residential (R-1); and (3) amending the county zoning map to redesignate the 9.5 acres from Exclusive Farm Use (EFU) to Urban Growth Management 10-acre minimum.

FACTS

The proposed expansion area is currently vacant and lies near the southeast corner of the existing City of Harrisburg UGB. It is bounded by the UGB on the west, Sommerville Loop on the north, Cramer Avenue on the east, and Priceboro Drive on the south. Cramer Avenue is currently a graveled county road. Of the 9.5 acres, the city plans to locate a park on 2.8 acres, including a .5-acre storm water detention pond. An additional two acres will be dedicated as part of the Cramer Avenue right-of-way. The remaining 4.7 acres will be available for residential development.

Harrisburg adopted its comprehensive plan in 1980. As part of a 1999 revision of its comprehensive plan, the city conducted a Buildable Land and Land Need Analysis. Table 7 of the comprehensive plan is based on results of the analysis for land within the UGB. It indicates a land need by the year 2017 for 68 acres of property designated for single-family residential, and a land supply of such property of 136.29 acres. It indicates that 26 acres of land will be needed for parks/open space. Twenty-six acres of the surplus R-1-zoned land are estimated to be available to accommodate future parks.

The Linn County Planning Commission denied the city’s application to expand the UGB on June 12, 2001. On July 31, 2001, the Linn County Board of Commissioners

1 overturned the Planning Commission’s decision, and approved the application. This appeal
2 followed.

3 **FIRST ASSIGNMENT OF ERROR**

4 Goal 14 (Urbanization), factors 1 and 2 are the “need” factors.¹ Factor 1 can be
5 satisfied by (1) increasing population projections; (2) amending the economic, employment
6 or other assumptions applied to those population figures in originally justifying the UGB; or
7 (3) doing both. *BenjFran Development v. Metro Service Dist.*, 17 Or LUBA 30, 42 (1988),
8 *aff’d* 95 Or App 22, 767 P2d 467 (1989). Factor 2 can be satisfied by showing that there is
9 insufficient land within the UGB to provide for a specified need for housing, employment
10 opportunities and livability. Both factors may be satisfied by a determination that, after
11 considering the two factors, additional land is needed to improve livability. *1000 Friends of*
12 *Oregon v. Metro Service Dist.*, 18 Or LUBA 311, 319 (1989).

13 The county decision determines that the proposed expansion is justified because it
14 improves livability.² Petitioner argues that the challenged decision does not identify what

¹Goal 14 provides, in relevant part:

“Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based upon consideration of the following factors:

“(1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;

“(2) Need for housing, employment opportunities, and livability[.]”

²The county’s findings state, in relevant part:

“The proposal will have a positive [e]ffect on housing and livability. It will help to provide for housing to be built at reasonable cost by allowing [it] to be built where public utilities are readily available. It will reduce compatibility issues by creating a buffer between residential and agricultural uses. It will allow for the siting of a much needed park area.

“The City of Harrisburg was the fastest growing city in Linn County during the 1990s (according to Portland State University). While the increase in housing will be minimal, and this is not the objective of the proposal, any additional land for housing will be of benefit to the City.

1 changes in population establish a need for additional parks and residential land so that an
2 expansion of the UGB is *required* to address the city’s livability concerns. Petitioner
3 concedes that the decision sets out benefits that might result from the expansion, *i.e.*, (1)
4 establishment of parkland in an area devoid of public open space; and (2) an opportunity to
5 integrate property west of Cramer Avenue, and Cramer Avenue itself, into the city’s
6 transportation planning and facilities development programs. However, petitioner argues that
7 these benefits are inadequate to establish a *need* to expand the UGB in order to promote
8 livability, especially in light of the evidence that there is an excess of vacant and partially
9 developed land within the UGB. Petitioner claims that the county’s need determination with
10 regard to the 4.7 acres of residential land is particularly suspect, because the decision merely
11 concludes that additional land for housing is beneficial, notwithstanding that there is no
12 shortage of residential land within the UGB to serve the estimated population.

13 Intervenor responds that the county’s decision is supported by adequate findings and
14 substantial evidence. Intervenor emphasizes that the expansion is to accommodate additional
15 parkland and to improve transportation links on the east side of the city, and that the *de*
16 *minimis* acreage that is intended for residential use is an incidental benefit. Intervenor cites
17 *City of Salem v. Families for Responsible Govt*, 64 Or App 238, 243, 668 P2d 395 (1983) for
18 the proposition that some land may be included in the UGB that might not be needed because
19 that land is nevertheless committed to urban uses. According to intervenor, the county
20 determined that the 4.7 acres to be designated for residential use are committed to urban uses

“Livability will be enhanced by:

- “• The creation of a much needed park,
- “• A better delineation between residential and agricultural uses, with Cramer Avenue
serving as a buffer between the two, and
- “• Improvements to the City’s transportation system that would provide emergency
routes, shorter and more convenient routes for many motorists and pedestrians, and
begin to make a Cramer Avenue arterial a reality.” Record 25.

1 because they provide a more logical dividing point between urban and rural uses and because
2 they allow for more efficient use of public facilities.

3 We agree with intervenor that there is some precedent for including land in the UGB
4 that is otherwise not needed for urban uses if the unneeded land is nevertheless committed to
5 urban uses. *City of Salem v. Families for Responsible Govt*, 64 Or App at 243. However, here
6 there is no demonstration that almost half of the property to be included within the urban
7 growth boundary is committed to urban uses. The property is currently vacant, and is not
8 presently served by city water or sewer, and is bordered on three sides by property zoned
9 EFU. According to the county's decision, the principal reason for including the 4.7 acres
10 within the UGB is to use Cramer Avenue as the boundary between urban and rural uses. That
11 is not a sufficient reason to conclude that the 4.7 acres are committed to urban uses.

12 Similarly, we agree with petitioner that the county has not demonstrated that there is
13 anything more than a desire on the city's part to include land within the urban growth
14 boundary to provide a more logical dividing point between the urban uses and rural uses, and
15 to bring parkland and transportation links within the city's general planning control. Neither
16 the county's decision nor intervenor's brief explains why an expansion of the UGB is
17 necessary to achieve the city's goals. A public park may be permitted as a conditional use in
18 an EFU zone, and Cramer Avenue is already designated as a minor arterial within the city's
19 Transportation Systems Plan.³ The city does not explain why the park or Cramer Avenue
20 cannot be developed without being included in the UGB; indeed there is evidence in the
21 record that the city will proceed with its plan for the park and Cramer Avenue whether they
22 are included within the UGB or not. The only proposed use that is not allowed in the EFU
23 zone is residential use at the proposed density, and the county's decision explicitly states that

³Parks are also conditional uses in the city's R-1 zone, which is the proposed designation for the subject property.

1 the additional residential land is not “needed” in the way that Goal 14, factors 1 and 2
2 require.

3 Petitioner also argues that the county’s findings are inadequate in that they fail to
4 address negative aspects of the expansion, including the loss of viable agricultural land, and
5 the effect the expansion will have on the character of the area. Intervenor argues in response
6 that petitioner waived these arguments by not raising them below. Petitioner replies that as a
7 matter of law, the challenged decision must be remanded to address negative impacts,
8 regardless of whether those impacts were raised below.

9 We agree with intervenor that opponents have some obligation to identify what they
10 believe to be a negative impact arising out of the proposed expansion and rezoning. The
11 county is not required to ferret out all potential impacts and analyze them, and a county
12 decision is not subject to remand merely because one impact is not considered when it was
13 not otherwise identified. In this case, the issue of the loss of agricultural land was identified
14 as a negative livability impact below. The county is obliged to include that impact in its
15 weighing of Goal 14, factor 2, but did not. *1000 Friends of Oregon v. Metro Service Dist.*, 18
16 Or LUBA at 319-20. The other potentially negative livability impact, *i.e.*, that the proposed
17 expansion will change the character of the area, was not raised below, and we agree with
18 intervenor that it is waived.⁴

19 The first assignment of error is sustained in part.

20 **SECOND THROUGH SIXTH ASSIGNMENTS OF ERROR**

21 OAR 660-004-0010(1)(c)(B) identifies the criteria that must be satisfied to justify an
22 exception to the goals in order to expand an urban growth boundary.⁵ OAR 660-010-

⁴Because the county’s findings are deficient, it is not necessary for us to address petitioner’s evidentiary challenges. *DLCD v. Columbia County*, 16 Or LUBA 467 (1988).

⁵OAR 660-004-0010(1)(c)(B) provides:

1 0010(1)(c)(B)(ii) requires that a decision to expand an urban growth boundary by converting
2 resource land to urban uses must be supported by findings that demonstrate that “areas which
3 do not require a new exception cannot reasonably accommodate the use.” OAR 660-004-
4 0010(1)(c)(B)(i) allows the local government to justify the exception by satisfying the Goal
5 14 factors. *See* n 5. We have already concluded that the challenged decision fails to satisfy
6 the first two factors of Goal 14. We now turn to petitioner’s arguments regarding the
7 county’s compliance with the remaining factors.

8 Goal 14, factors 3 through 7 are the “locational factors.”⁶ The requirements of OAR
9 660-004-0010(1)(c)(B) and the Goal 14 locational factors overlap in a number of ways, but

“When a local government changes an established urban growth boundary it shall follow the procedures and requirements set forth in Goal 2 ‘Land Use Planning’, Part II, Exceptions. An established urban growth boundary is one [that] has been acknowledged by the Commission under ORS 197.251. Revised findings and reasons in support of an amendment to an established urban growth boundary shall demonstrate compliance with the seven factors of Goal 14 and demonstrate that the following standards are met:

- “(i) Reasons justify why the state policy embodied in the applicable goals should not apply (This factor can be satisfied by compliance with the seven factors of Goal 14.);
- “(ii) Areas which do not require a new exception cannot reasonably accommodate the use;
- “(iii) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
- “(iv) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.”

⁶Goal 14 provides, in relevant part:

“Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based upon consideration of the following factors:

“* * * * *

- “(3) Orderly and economic provision for public facilities and services;
- “(4) Maximum efficiency of land uses within and on the fringe of the existing urban area;

1 both the rule criteria and the Goal 14 factors must be satisfied. The criteria in OAR 660-004-
2 0010(1)(c)(B) and the Goal 14 factors frequently require that the county consider alternative
3 lands, inside the UGB and outside the UGB, in applying those criteria and factors. As we
4 explain below in addressing petitioner’s remaining assignments of error, the county generally
5 did not adequately consider alternative lands in applying OAR 660-004-0010(1)(c)(B) and
6 the Goal 14 locational factors.

7 **A. Factor 3**

8 Goal 14, factor 3 requires consideration of “orderly and economic provision for
9 public facilities and services.” This factor requires that the local government consider the
10 impact the proposed expansion will have on the provision of public facilities within the city
11 limits, as well as whether the proposed expansion area can be efficiently served by public
12 facilities. *1000 Friends of Oregon v. Metro Service Dist.*, 18 Or LUBA at 325.

13 In this case, petitioner does not dispute that public facilities can be extended to
14 adequately serve the expansion area. However, in the second assignment of error petitioner
15 does argue that the decision fails to address the impact the proposed expansion will have on
16 public facilities that will serve other undeveloped land within the UGB.

17 The county’s findings state:

18 “Looping water lines, installing wastewater drain lines and storm drain lines,
19 and road construction will all be more orderly and more economically
20 accomplished under this proposal. Public utilities are readily available to the
21 area under consideration.

22 “Extending the UGB to Cramer Avenue would prevent dividing some
23 property owners’ property. People that own the property are either developers
24 or farmers, not both. Therefore, by not dividing the involved properties, it will

“(5) Environmental, energy, economic and social consequences;

“(6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,

“(7) Compatibility of the proposed urban uses with nearby agricultural activities.”

1 be easier for the property owners to know how to best use their property,
2 resulting in a more orderly and economically feasible use of the property.

3 “These problems that property owners have in utilizing their property also
4 result in problems for governmental agencies. It is difficult for the City to
5 anticipate how and when these parcels will be utilized. Therefore, it is
6 difficult to make an orderly provision for public facilities.” Record 25-26.

7 The county’s decision misconstrues the inquiry under Goal 14, factor 3. The
8 questions under this factor are (1) whether adequate public facilities are available to serve the
9 property; and (2) whether provision of public facilities to the subject property will undermine
10 service provision to other properties currently located within the UGB. The county’s findings
11 address (1), but not (2). The discussion about benefits that accrue to the property owners as a
12 result of the expansion has no bearing on factor 3. We agree with petitioner that the county’s
13 findings addressing Goal 14, factor 3 are inadequate in that they fail to address the impact the
14 proposed expansion will have on the provision of public services within the existing UGB.

15 The second assignment of error is sustained.

16 **B. Factor 4**

17 Goal 14, factor 4 requires that the county consider “maximum efficiency of land uses
18 within and on the fringe of the existing urban area.” Factor 4 requires the encouragement of
19 development within urban areas before the conversion of urbanizable areas. *Roth v. Yamhill*
20 *County*, 31 Or LUBA 181, 186-187 (1996); *1000 Friends of Oregon v. City of North Plains*,
21 *27 Or LUBA 372, 390, aff’d 130 Or App 406, 882 P2d 1130 (1994).*

22 In the third assignment of error, petitioner argues that the county’s findings
23 concerning factor 4 are inadequate and not supported by substantial evidence.⁷ Intervenor
24 responds that the county determined that the proposed expansion area best addresses the
25 city’s desire to provide for open space and will provide multiple uses for an area that in any

⁷Petitioner does not develop a separate argument regarding OAR 660-004-0010(1)(c)(B)(ii), and we therefore limit our consideration under this assignment of error to Goal 14, factor 4.

1 event will be used in part for storm drainage rather than for agricultural uses. In addition, the
2 expansion will provide for residential infill by allowing the developer of the existing adjacent
3 subdivision to develop the 4.7 acres for residential use, using the facilities that are available
4 as a result of the development of the subdivision. Intervenor concedes that there are 525
5 acres of vacant land located within the existing urban growth boundary, but contends that the
6 number is misleading, in that over 200 acres are being used for the city’s wastewater
7 treatment facilities.

8 A significant consideration in the Goal 14, factor 4 analysis is the potential impact of
9 the proposed UGB amendment on undeveloped land that is already planned and zoned for
10 the same use to which the local government would put the land that is to be included in the
11 UGB. *ODOT v. City of Newport*, 23 Or LUBA 408, 411-412 (1992); *1000 Friends of Oregon*
12 *v. Metro Service Dist.*, 18 Or LUBA at 326. Tables 6 and 7 of the Harrisburg Comprehensive
13 Plan summarize the city’s Buildable Land and Land Need Analysis. For the 1999 through
14 2017 planning horizon, the city estimates that it will need 75 acres of residential land to
15 accommodate projected population growth. According to Table 6, approximately 136.29
16 acres are available for low-density residential development and 37.75 acres are available for
17 high-density residential development. It indicates that 26 acres of residential land will be
18 available to accommodate future parks. The plan also concludes that there is sufficient land
19 within the UGB to accommodate projected growth through 2017, estimating that there is a
20 surplus of 98 acres of residential land. Harrisburg Comprehensive Plan 21.

21 The county’s decision does not explain how the city has encouraged development of
22 available land already included in the UGB for the proposed uses prior to seeking to expand
23 the UGB. In addition, the decision fails to address how this expansion will not result in
24 “leapfrog or sprawling development inconsistent with the density and connectivity associated
25 with urban development.” *1000 Friends of Oregon v. Metro*, 38 Or LUBA 565, 594 (2000).

1 We agree with petitioner that the county’s findings are inadequate with respect to Goal 14,
2 factor 4.⁸

3 The third assignment of error is sustained.

4 **C. Factor 5 and OAR 660-004-0010(1)(c)(B)(iii)**

5 Goal 14, factor 5 requires consideration of the “environmental, energy, economic and
6 social consequences” of the expansion. Where, as here, the site under consideration is
7 resource land, OAR 660-004-0010(1)(c)(B)(iii) requires a demonstration that

8 “The long-term environmental, economic, social and energy consequences
9 resulting from the use at the proposed site with measures designed to reduce
10 adverse impacts are not significantly more adverse than would typically result
11 from the same proposal being located in areas requiring a goal exception other
12 than the proposed site[.]”

13 In the fourth assignment of error, petitioner argues that the county’s findings are
14 inadequate because they fail to consider alternatives to expanding the UGB in the proposed
15 location.⁹ According to petitioner, the alternatives analysis must establish that the
16 consequences that result from utilizing the approved site “are not significantly more
17 adverse” than they would be on alternative sites. In addition, petitioner argues that the
18 county’s conclusion that there are no adverse impacts resulting from expanding the UGB
19 fails to consider the loss of agricultural land, or the relative cost of public services at this
20 location compared to other locations.

21 Intervenor responds that the county’s findings clearly establish that the city does not
22 have any neighborhood parks within the vicinity of the proposed expansion, and that the

⁸We note that the county’s findings rely on a 1996 Parks Needs Analysis, which states that there is a need for 19.76 acres of land to accommodate the city’s 2001 population, to justify the expansion for parks. The county’s decision does not explain why the 26 acres that the city has identified for parks and open space in its comprehensive plan are inadequate or otherwise unavailable to address the city’s open space needs.

⁹The county’s findings state, in relevant part:

“There are no anticipated negative environmental, energy, economic or social consequences. However there would be positive impacts in these areas that would result from the proposal, including the ability to create park space and fewer conflicts between land uses.” Record 26.

1 proposed expansion would provide a park for the area. In addition, intervenor argues that no
2 alternative will provide access in the way that Cramer Avenue does. Finally, intervenor
3 contends that the county’s findings clearly establish that the proposed expansion will benefit
4 nearby agricultural uses by using Cramer Avenue as a buffer between agricultural and
5 residential uses. Overall, intervenor contends, those benefits compare favorably with
6 alternative locations and therefore, the county’s findings are adequate.

7 We disagree with intervenor that the county’s decision adequately addresses
8 alternatives to the proposed location in its consideration of the consequences of the proposed
9 expansion in the manner required by Goal 14, factor 5 and OAR 660-004-0010(1)(c)(B)(iii).
10 The county’s findings address no alternatives, under factor 5 or any other factor.

11 The fourth assignment of error is sustained.

12 **D. Factor 6**

13 Goal 14, factor 6 requires consideration of the “retention of agricultural land as
14 defined, with Class I being the highest priority for retention and Class VI being the lowest
15 priority.” Fifteen percent of the subject property contains Class II soils; 45 percent contains
16 Class III soils, and the remaining 40 percent contains Class IV soils. Approximately 2.4 acres
17 of the subject area are currently in agricultural use. Petitioner argues that the challenged
18 decision fails to consider alternative locations for expansion that might contain lower priority
19 agricultural soils.¹⁰

¹⁰The findings state, in relevant part:

“About 85 [percent] of the involved soils are [C]lass III and IV.

“The property involved in this proposal consists of approximately 9.5 acres. Of this, about 2 acres is for the Cramer Avenue right-of-way. About .5 acre is being used as a storm detention pond. The developer of the Harriswood Estates subdivision owns about 4.6 acres of the remainder of the property, which is immediately to the west of the current UGB. He is not interested in farming and has stated that he intends to hold onto this property for future residential development.

1 Intervenor argues that the county considered the impact the proposed expansion
2 would have on agricultural lands. According to intervenor, the owner of the 4.7 acres to be
3 used for residential purposes has indicated that he has no desire to farm the portion of his
4 property zoned EFU, as it will interfere with the adjacent subdivision development. In
5 addition, intervenor argues, there is testimony in the record that residents of the subdivision
6 object to agricultural activities located so close to their properties. Intervenor contends that
7 the county properly concluded that the proposed expansion will result in a minimal net
8 impact on the amount of land available for agricultural uses and, therefore, Goal 14, factor 6
9 is adequately addressed.

10 We disagree. Goal 14, factor 6 requires that the county consider and compare
11 agricultural lands, with Class I land as the highest priority and Class VI as the lowest priority
12 for retention. The county’s findings do not address that inquiry, nor do they examine other
13 areas zoned EFU that may have lower priority soils and are suitable to accommodate the
14 proposed urban uses.

15 The fifth assignment of error is sustained.

“This leaves about 2.4 acres of property. The owner of this property does currently lease this parcel to a grass seed grower. This property owner has stated that they * * * intend to continue to farm the parcel, but they support UGB adjustment. * * * [T]hey recognize the problems that would occur for the people living in the Harriswood Estates subdivision if the 4.6 acres was farmed. They put up with serious dust problems and other problems that come from leasing their 2.4 acres to a grass seed grower because they get some financial benefit from it. However, they know it would be difficult for the residents of the Harriswood Estates subdivision to deal with the conflicts that would arise.

“The adjustment of the UGB would result only in a minimal net impact on the amount of land available for agricultural purposes, while providing many benefits.” Record 26.

1 **E. Factor 7**

2 Goal 14, factor 7 requires that the county consider the “compatibility of the proposed
3 urban uses with nearby agricultural activities.”¹¹ The county’s findings that address this
4 factor state, in relevant part:

5 “[T]he proposal will result in greater compatibility between residential and
6 agricultural activities. It will allow for Cramer Avenue to serve as a buffer
7 between the residential land to the west of the [proposed UGB boundary] and
8 the agricultural lands to the east * * *.

9 “Conflicts between farmers and homeowners around Harrisburg result from
10 smoke and field burning, dust from working fields, noise from farm
11 equipment, and chemicals ranging from insecticides to fertilizers. City staff
12 has also received complaints about odor from soil additives. Having Cramer
13 Avenue as a buffer would reduce these conflicts.” Record 27.

14 In the sixth assignment of error, petitioner argues that Goal 14, factor 7 requires an
15 alternatives analysis to determine whether other sites would be more compatible with
16 agricultural uses. *See 1000 Friends of Oregon v. Metro*, 174 Or App 406, 417, 26 P3d 151
17 (2001) (alternative sites comparison is required by Goal 14, factor 7).

18 Intervenor argues that, on balance, the proposed expansion area will result in a more
19 compatible relationship between agricultural and urban uses by providing a road as a buffer
20 and by converting only a minimal amount of working farmland to urban uses. In intervenor’s
21 view, a comparison between this site and other sites is pointless, because it is obvious that
22 the proposed area is the best location to expand the urban growth boundary.

23 We disagree that such a conclusion is so obvious. As we stated in *1000 Friends of*
24 *Oregon v. Metro*, 38 Or LUBA at 600:

25 “[The] consideration and balancing [required by Goal 14, factor 7] would
26 have little context or meaning if the only analysis was of the impacts of
27 urbanizing the proposed expansion area and not alternative sites. It may be * *
28 * that [the] comparison would demonstrate only that urbanizing [the proposed

¹¹OAR 660-004-0010(1)(c)(B)(iv) similarly requires that “the proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.”

1 expansion area] is no more adverse to agricultural activities than urbanizing
2 other sites * * *. However, [the] findings do not make that comparison, and
3 we agree with petitioners that they are inadequate in that respect.”

4 The county’s findings do not compare the impacts that arise from expanding in the
5 proposed location with the impacts on agricultural activities that might arise from expanding
6 in other areas. The sixth assignment of error is sustained.

7 **CONCLUSION**

8 The county’s decision does not justify the approved expansion of the UGB. Given the
9 amount of vacant land and redevelopable land that is already included in the UGB, it seems
10 highly unlikely that the county could show that the disputed property is needed. The county’s
11 cited “livability” justification is simply inadequate because the county does not show that
12 other lands that are already included in the UGB cannot be used for park purposes to achieve
13 that livability justification. The approved UGB amendment also does not appear to be a
14 precondition for achieving other cited livability concerns. Even if the county could
15 demonstrate a need under Goal 14, factors 1 and 2, the approval of the disputed UGB
16 amendment will require that the county demonstrate that, on balance, the amendment is
17 consistent with the Goal 14 locational factors. For the reasons explained above, the county’s
18 findings regarding each of the Goal 14 locational factors and OAR 660-004-
19 0010(1)(c)(B)(iii) and (iv) are inadequate and, therefore, any balancing that the county may
20 have engaged in under those factors is not sufficient to justify the expansion. *1000 Friends of*
21 *Oregon v. Metro*, 174 Or App at 409-10; *D.S. Parklane Development, Inc. v. Metro*, 165 Or
22 App 1, 25, 994 P2d 1205 (2000).

23 The county’s decision is remanded.