

BEFORE THE LAND USE BOARD OF APPEALS  
OF THE STATE OF OREGON

OCT 13 9 35 AM '81

1000 FRIENDS OF OREGON, the )  
 assumed name of Oregon Land )  
 Use Project, Inc., an Oregon )  
 nonprofit corporation, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 DOUGLAS COUNTY BOARD OF )  
 COMMISSIONERS, )  
 )  
 Respondent. )

LUBA NO. 81-014

FINAL OPINION  
AND ORDER

Appeal from Douglas County.

Mark Greenfield, Portland, filed a brief and argued the cause for Petitioner. With him on the brief was Ellen E. Johnson.

Edward J. Sullivan, Portland, filed a brief and argued the cause for Respondent.

Bagg, Referee; Reynolds, Chief Referee; participated in the decision, with Cox, Referee concurring.

Remanded

10/13/81

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of Oregon Laws 1979, ch 772, sec 6(a).

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BAGG, Referee.

NATURE OF THE DECISION

Petitioner seeks review of Douglas County Ordinance No. 81-12-2 which adopts portions of the Douglas County Comprehensive Plan. Specifically, petitioner challenges certain exceptions to Goals 3 and 4 taken by the county as part of the comprehensive plan. The exception affects over 17,000 acres. Additionally, petitioner challenges the county's decision that approximately 2,000 additional acres of land are neither agricultural lands nor forest lands.

STANDING

Standing of petitioner is not challenged by Douglas County. Standing of petitioners to challenge the North Umpqua Tourist Commercial Site 20 (called North Umpqua Tourist Commercial Site 3 by intervenors) is challenged by John R. and Brenda L. Gardner, intervenors. Intervenors do not challenge the facts asserted by petitioner, but say that only a person living near the parcel should have standing to challenge the designation.

Petitioner replies that the case of 1000 Friends v. Multnomah County, 39 Or App 917, \_\_\_ P2d \_\_\_ (1979) establishes the proposition that a single individual may challenge a large scale land use decision. Here, petitioner alleges that its members live in various areas throughout the county and that individual members' farming operations will be adversely affected by encroaching development. Petitioner says

1 there will be livestock losses and vandalism, and rural  
2 residential housing units will adversely affect members' use  
3 and enjoyment of their lands by interfering with scenic views,  
4 destroying open space and increasing traffic on roadways.  
5 Petitioner also complains that development will result in  
6 increased taxes for various services.

7 In a general comprehensive plan adoption, such broad  
8 allegations as those made by petitioner are sufficient to  
9 confer standing. The petitioner has attacked generally the  
10 taking of what they believe to be resource lands for  
11 nonresource purposes. To the extent that such an allegation  
12 touches intervenors' property, petitioner has alleged  
13 sufficient interest and injury to be granted standing. We  
14 note, in addition, that intervenor's claim that only persons  
15 living near an affected parcel may challenge a ruling is not  
16 supported by any citation of authority, and we are not aware of  
17 any legal authority to so strictly limit standing.

18 We believe petitioner has alleged sufficient facts in the  
19 petition for review to confer standing upon them to challenge  
20 the subject property.<sup>1</sup>

21 ASSIGNMENT OF ERROR NO. 1

22 "The Board's failure to identify as agricultural or  
23 forest land approximately 2,000 acres in two  
24 'non-exception' areas was error." (Petition for  
Review 5)

25 Petitioner attacks that portion of the exceptions document  
26 called "non-exceptions process" for two areas in Douglas

1 County. The first area totalling in excess of 1,800 acres is  
2 located in the North Roseburg Planning Committee (PAC) area,  
3 and the second area of some 130 acres is in the Calapooya PAC  
4 area. For each area, petitioner first says the county has not  
5 adequately considered the definition of "forest lands" in Goal  
6 4. Petitioner alleges there are no findings that the land is  
7 not "other forested lands in urban and agricultural areas which  
8 provide urban buffers, windbreaks, wildlife and fisheries  
9 habitat, livestock habitat, scenic corridors and recreational  
10 use." Petitioner claims there is no adequate description of  
11 the property showing the presence or absence of a forest  
12 resource.

13 The county's findings for the North Roseburg and Calapooya  
14 area are similar. For the Roseburg area, the county states:

15 "Forest goal applicability:

16 "a. This land is not composed of existing or  
17 potential forest lands.

18 "b. 1. This land is not needed for watershed  
19 protection.

20 2. This land is identified as an 'impacted'  
21 area by the Oregon Department of Fish and  
22 Wildlife and thus is not recognized for  
23 wildlife habitat protection; also, no annual  
24 streams or wetlands are located on this site  
25 and thus it does not contribute fisheries or  
26 waterfowl habitat.

"c. No extreme soil or climatic conditions exist. As  
in much of Douglas County, topographic conditions  
of this site vary from 3% to 70% slope. Only a  
portion of this site should require maintenance  
of vegetative cover, which is addressed by  
policies in the County's Natural Hazards section  
of the Comprehensive Plan.

"d. This land is neither agriculture or urban land  
and provides no wind breaks, wildlife and

1 fisheries habitat, recreational use or scenic  
2 corridors.

3 "e. The forest goal does not apply."

4 For the Calapooya area, the county finds:

5 "Forest goal applicability:

6 "a. 86% of this land is not composed of existing or  
7 potential forest land.

8 "b. 1. This land is not needed for watershed  
9 protection.

10 2. This land is identified as an 'impacted'  
11 area by the Oregon Department of Fish and  
12 Wildlife and thus is not recognized for  
13 wildlife habitat protection; also, no annual  
14 streams or wetlands are located on this site  
15 and thus it does not contribute fisheries or  
16 waterfowl habitat.

17 "c. No extreme soil or climatic conditions exist. As  
18 in much of Douglas County, topographic conditions  
19 of this site vary from 3% to 60% slope. Only a  
20 portion of this site should require maintenance  
21 of vegetative cover, which is addressed by  
22 policies in the County's Natural Hazards section  
23 of the Comprehensive Plan.

24 "d. This land is neither agriculture or urban land  
25 and provides no wind breaks, wildlife and  
26 fisheries habitat, recreational use or scenic  
27 corridors.

28 "e. The forest goal does not apply."

29 As we understand the findings, the county has attempted to  
30 show that each site does not consist of existing or potential  
31 forest land; and, therefore, neither site comes within the  
32 definition of "Forest Lands" included in Goal 4.<sup>2</sup>

33 In addition to defining "forest land," Goal 4 requires that  
34 "lands suitable for forest uses shall be inventoried and  
35 designated as forest lands." We are not cited to any inventory  
36 studies showing us the background information from which the  
37 county made its findings. There is little description of the  
38 land, or facts, from which the county's conclusory findings

1 could find support.

2 In sum, the county has made conclusory findings regarding a  
3 substantial part but not all of the relevant factors to be used  
4 in deciding whether certain land is "forest land" and subject  
5 to the protection of Goal 4.

6 With respect to Goal 3 applicability on the North Roseburg  
7 and Calapooya areas, we note at the outset that petitioner  
8 would have us review the county's findings and conclusions  
9 under the "compelling reasons and facts standard applicable to  
10 Goal 2 exceptions. It is petitioner's view that the county  
11 must show a goal is not applicable by "compelling reasons and  
12 facts" and not by substantial evidence. In Spooner v. Marion  
13 County, 2 Or LUBA 1 (1980), the Board rejected the proposition  
14 that a finding a particular resource goal was not applicable  
15 had to be supported by compelling reasons and facts. The  
16 compelling reasons and facts test is reserved for matters in  
17 the Goal 2 exceptions process, and a finding that a particular  
18 bit of property is not subject to a particular goal need only  
19 be supported by substantial evidence. With this standard in  
20 mind, we review the county's decision that the North Roseburg  
21 and Calapooya areas are not subject to Goal 3.

22 The Douglas County Comprehensive Plan recognizes "37  
23 percent of the lands classed as cropland or pasture rangeland  
24 in the county have SCS soil class ratings of VI and VII."  
25 Comprehensive Plan 63, Finding 10. The soils in the two  
26 non-exceptions areas range from Class III to Class VII with

1 Class VI and VII soil predominating. In the North Roseburg  
2 area, the county makes a finding, among others, that "grazing  
3 is no longer feasible." The reason for this finding is that  
4 the Roseburg urban growth boundary is nearby on the south and  
5 southeast, committed lands exist to the north and northwest, and

6 "the quality of the land, the energy and economic  
7 inputs required (such as clearing the oak-madrone  
8 hillsides and the possible necessity for fencing a  
9 good portion of the site) and the proximity to  
10 existing development, a grazing venture is no longer  
11 practical."

12 With this finding, the county appears to be saying that the use  
13 of the property for grazing is not economically feasible.

14 Indeed, the county in its brief says that this land is land  
15 that cannot be profitably farmed by a reasonable and prudent  
16 farmer. See 1000 Friends v. Benton County, 32 Or App 432, 575  
17 P2d 651.

18 There is no finding by the county that this land may not be  
19 farmed (grazed) by a "reasonable or prudent farmer." Even if  
20 we interpret the above quoted finding as an assertion that the  
21 land is incapable of being so farmed, there is no explanation  
22 of what standard of profit the county has used. Presumably,  
23 the matter of profit is a local determination (See 1000 Friends  
24 v. Benton Co., 32 Or App at 429), but that determination is  
25 missing here. We can agree, arguably, that the county has  
26 shown grazing operations on this site would not be as  
profitable as similar operations on other sites. However, we  
can not see within the findings sufficient facts to lead us to

1 the conclusion that profitable grazing is not possible and  
2 that, therefore, the land does not fall within the protection  
3 of Goal 3.

4 Similarly, the Calapooya site is found to be "impractical"  
5 for grazing "because of the quality of the land, the economic  
6 and energy inputs required and the proximity to existing  
7 development \* \* \* \*" We don't know what "energy inputs" are,  
8 but again the impracticability of a grazing operation does not  
9 make it unprofitable. As before, the county has not explained  
10 its standard and provided enough facts to show it applied the  
11 standard correctly.

12 We add the county's argument rests in part on the nearness  
13 of the City of Roseburg's urban growth boundary in the Roseburg  
14 area and the City of Oakland's urban growth boundary in the  
15 Calapooya area. We are not told how it is an urban growth  
16 boundary, as yet unacknowledged, would so greatly inhibit  
17 agricultural activity as to make it impossible. Indeed, the  
18 proximity of the urban growth boundary and other restrictions  
19 to farm income, such as soil suitability, irrigation and  
20 "energy inputs" together do not form a sufficient base in these  
21 two cases to conclude that Goal 3 is not applicable and no  
22 exception need be taken therefor.

23 We appreciate respondent's argument that the county should  
24 be allowed some discretion in its decision to designate parcels  
25 as nonresource land as the county governing body is very  
26 familiar with "the location and terrain of the subject parcel"

1 and knows the area's agricultural and forestry practices.  
2 However, we are required to review the county's findings and  
3 record as a disinterested third party. There is no provision  
4 to allow us to defer to unspoken local knowledge, though we may  
5 believe it exists. We may not look inside individual local  
6 official's minds, but must rely on what they say on paper.

7 The first assignment of error is sustained.

8 ASSIGNMENT OF ERROR NO. 2

9 The second assignment of error alleges

10 "[t]he county erred by failing to demonstrate with  
11 compelling reasons and facts why nonfarm and nonforest  
uses should be provided for in the excepted areas."

12 Here the petitioner attacks exceptions for specific areas after  
13 first making a few general comments applicable to each of the  
14 exceptions areas. Firstly, petitioner alleges the county has  
15 failed to show by compelling reasons and facts how it is the  
16 particular properties are "needed" for nonresource uses. This  
17 reference to a showing of "need" comes from the requirement in  
18 Goal 2 that the entity taking an exception to a Goal show "why  
19 these other uses should be provided for."<sup>3</sup> Petitioner  
20 characterizes the "need" for rural residential housing in  
21 Douglas County to be a kind of market demand. Petitioner adds  
22 that a market demand is not a need within the meaning of the  
23 goal and cannot be used to justify converting resource property  
24 to some nonresource use. Petitioner cites Still v. Marion  
25 County, 42 Or App 115, 600 P2d 433 (1979) wherein the Court of  
26 Appeals stated:

1 "A market demand for rural residential development,  
2 however, does not constitute a 'need' for it, as that  
3 word is used in Goal #2. Goal #3 was enacted to  
4 preserve agricultural land from encroachment by urban  
5 and suburban sprawl by subordinating the free play of  
6 the marketplace to broader public policy objectives.  
7 Land is not excepted from the agricultural goal merely  
8 because somebody wants to buy it for a house.

9 "A determination of whether this land is needed  
10 for residences should be made in accordance with Goal  
11 #10, housing, which mandates that local governments  
12 should designate sufficient suitable land within the  
13 urban growth boundary to meet residential needs.  
14 There is no showing in the record that no suitable  
15 land is available inside the urban growth boundary for  
16 residential use. The Board's finding regarding need  
17 misconstrues the applicable legal standard and is not  
18 supported by substantial evidence." Still, supra, at  
19 122-123.

20 Secondly, petitioner attacks the county's treatment of rural  
21 and urban population and housing needs. Petitioner claims City  
22 of Sandy v. Clackamas County, LCDC 79-029 (1980) stands for the  
23 proposition that housing needs are to be met inside urban growth  
24 boundaries. "Thus, acreage homesites are generally limited to  
25 those lands identified as committed and to parcels which satisfy  
26 the criteria in ORS 215.213(3)."<sup>4</sup> (Petition for Review at  
11). Petitioner claims there is no justification in the plan or  
exceptions document for the proposed "rural/urban split" of  
population in the county's plan."<sup>5</sup> Petitioner alleges that  
there is nothing showing that the requirements of Goals 3, 4, 10  
and 14 were adequately considered when population projections  
were made and the decision made to allow the great volume of  
rural housing that apparently is permitted under the Douglas  
County scheme. Petitioner acknowledges that the Douglas County

1 population projection may be reasonable; nonetheless, there are  
2 no "facts to distinguish a general need for housing from a need  
3 for rural acreage homesites which cannot be met in urban  
4 areas."<sup>6</sup>

5 Petitioner also takes issue with the county's finding that  
6 cities have failed to adopt adequate urban growth boundaries or  
7 have failed to pass bond levies or otherwise develop finances  
8 needed for public facilities to serve enlarging urban  
9 populations. The petitioner apparently would have the county  
10 consider things such as real estate transfer taxes and systems  
11 development charges before the county relies on local city  
12 failures to provide needed public facilities. In any event, the  
13 exceptions document, according to petitioner, "fails to consider  
14 these alternative financing devices."

15 Lastly, even where the county may have been able to show a  
16 need for rural residences in specific instances, "the county has  
17 failed to explain why it [apparently, "need" for rural  
18 residences] cannot be satisfied on lots smaller than 2 or 5  
19 acres, or why it cannot be satisfied on lands which meet the  
20 requirements of ORS 215.213(3)." There is still, according to  
21 petitioner, no adequate survey of alternative parcels to satisfy  
22 this apparent need, where it exists.

23 Respondent disagrees with petitioner's assumption that  
24 housing is to be provided within urban growth boundaries.  
25 Respondent concludes that Goal 10, by its terms, does not  
26 require all housing needs to be met within urban growth

1 boundaries. The flexibility allowed in Goal 10, according to  
2 respondent, permits rural housing. Respondent says that a type  
3 of housing that meets Goal 10's requirement that plans "allow  
4 for flexibility of housing location, type and density" is the  
5 small acreage (1 to 5 acres) homesite.

6 Given an allowance in the goals for rural housing,  
7 respondent questions what facts are necessary to show a  
8 compelling justification for small acreage rural housing. Here  
9 respondent points to the Polk County acknowledgement order of  
10 March 23, 1981 wherein, apparently, the county allowed (and  
11 LCDC acknowledged) an exception to goal 3 for 6,000 acres where  
12 a need for the entire 6,000 acres had not been demonstrated.  
13 Respondent notes that a portion of the Polk County's exceptions  
14 statement clearly provides a county policy "to provide an  
15 opportunity for a segment of the county population to live in  
16 rural areas on acreage homesites."

17 Respondent goes on to assert that the population  
18 projections for Douglas County have taken into account an  
19 influx of people seeking a rural environment. Persons seeking  
20 a rural environment may bring about economic diversification  
21 and contribute significant amounts of money to the local  
22 economy. This diversification of the county's economy "could  
23 have significant effects on the conservation of the county's  
24 timberlands." Respondent notes that in 1980 over 55 percent of  
25 the population lived outside of urban growth boundaries in  
26 Douglas County; and it is evident, therefore, that rural living

1 in the county is "more than just a desire; it is the accustomed  
2 mode of settlement in the county." The county does not explain  
3 what percentage of the expected population growth it expects  
4 will settle in rural areas, and the county does not explain  
5 what mix of housing densities is planned to help accommodate  
6 this expected growth.

7 While we can certainly understand that the county wishes to  
8 recognize that rural residential living is the accustomed mode  
9 of settlement of the county, and while we have no challenge to  
10 the county's population's projections, the two issues do not by  
11 themselves equal a need for further rural residential  
12 development within Douglas County and they do not explain the  
13 county's apparent allocation of population to specific rural  
14 areas. The rural lifestyle expectation that may indeed exist  
15 in the county is more a matter of market demand than a need  
16 that we can recognize as being within the bounds of the Goal 2  
17 exceptions criteria.<sup>7</sup>

18 In order to allow residential development outside an urban  
19 growth boundary, it must be determined that the rural resource  
20 land location of the proposed residential development is  
21 necessary to satisfy the housing needs generated by the  
22 location of rural industrial, commercial or other economic  
23 activities in this area.

24 It is commercial, industrial or other economic activities  
25 which result in employment opportunities that create the "need"  
26 for housing in rural locations. Thus "need" cannot be based

1 solely on market demand for housing, arbitrary assumptions  
2 about urban/rural allocations of population or even housing  
3 types and cost characteristics. The "need" must be a  
4 consequence of commercial, industrial or economic activities  
5 which themselves require a rural location. "Need" is the  
6 effect part of a causal relationship. The County must show  
7 why, based on the economic analysis in the plan, there is a  
8 need for the type and density of housing planned which requires  
9 this particular location on resource lands.

10 The second of the Goal 2 criteria that must be met before  
11 an exception is to be allowed is "what alternative locations  
12 within the area could be used for the proposed uses." The  
13 alternative sites criteria is extricably related to the  
14 question under need as to why this rural resource land location  
15 is necessary to satisfy the identified need. In order to show  
16 why the particular site is needed, it is necessary to discuss  
17 why other sites cannot satisfy the need. Under the alternative  
18 sites criteria the appropriate issues to address are:

- 19 1. Can this identified need be met within the urban growth  
20 boundary, by amending the urban growth boundary or by  
21 increasing density inside the urban growth boundary? If  
22 not, why not?
- 23 2. Can this identified need be met by using non-resource lands  
24 outside the urban growth boundary? if not, why not?
- 25 3. Can this identified need be met by using committed land  
26 outside the urban growth boundary, land in existing rural

1 centers or by increasing density on committed lands? If  
2 not, why not?

3 Thus the standards with respect to alternative sites are as  
4 follows:

- 5 1. The identified housing need must be satisfied by land  
6 within the urban growth boundary, or by amending the urban  
7 growth boundary or increasing densities within it if the  
8 urban growth boundary is close enough to the economic  
9 activity creating the housing need to make location of  
10 housing inside the urban growth boundary reasonable.
- 11 2. If the identified housing need can be met by using  
12 non-resource lands, such lands must be used.
- 13 3. If the identified housing need can be met by using  
14 committed lands outside the urban growth boundary, land in  
15 existing rural centers or if it is feasible to meet the  
16 need by increasing densities on committed lands, or in  
17 rural centers these lands must be used.

18 Respondent directs our attention to the treatment of this  
19 "alternative" sites requirement in the Polk County exceptions  
20 report. The respondent views the choice of lands for exception  
21 to be of greater importance than the "alternative locations"  
22 requirement in the goal. As we understand respondent, a proper  
23 choice of lands for exception will take care of any need to  
24 examine other specific "alternative locations," at least in the  
25 context of a comprehensive plan adoption. Respondent  
26 summarizes the Polk County choice of lands as (1) lands with

1 only marginal suitability for agricultural forest use and (2)  
2 lands which had public facilities sufficient to accommodate  
3 projected growth. Respondent compares these two points to the  
4 Douglas County Comprehensive Plan wherein there appears a list  
5 of "the designation objectives that explain the rationale  
6 respondent employed in selecting lands for an exception."  
7 Respondent says the objectives included in the Douglas County  
8 plan incorporated the acknowledged similar objectives in the  
9 Polk County exceptions statement. The Douglas County criteria  
10 are

11 "To insure the area's rural integrity.

12 "To insure protection of the area's environment.

13 "To maintain as much agricultural or forest land as  
14 possible.

15 "To 'in-fill' between existing developed or  
16 'committed' areas.

17 "To locate rural development in areas where existing  
18 or future public facilities can be efficiently used.

19 "To insure as much as possible development at levels  
20 compatible with an area's carrying capacity; which  
21 includes surface and/or ground water supplies and  
22 healthful sanitary conditions.

23 "To conserve energy.

24 "To avoid the designation for rural development areas  
25 with known natural hazards or unsatisfactory soil  
26 conditions.

27 "To concentrate, where possible, rural growth in the  
28 immediate vicinity of recognized rural commercial  
29 centers."

30 Respondent advises

31

1 "The commission has not required a discussion of  
2 specific alternative sites in the context of an  
3 exceptions statement for a comprehensive plan.  
4 Instead, the criteria used to select the exception  
5 lands became an important element of the  
6 'alternatives' discussion. The Polk County exceptions  
7 statement treated the 'alternatives' criteria in a  
8 very general manner, concentrating on three  
9 alternatives to designating resource lands as an  
10 exception area. These alternatives are:  
11 "(a) a smaller minimum lot size;  
12 "(b) residential development in the EFU and TC zone;  
13 "(c) residential development potential of rural  
14 community centers."

15 Douglas County says by adopting a 5-acre minimum lot size,  
16 as in Polk County, specific site problems would be lessened,  
17 the 5-acre parcels would serve as a buffer between urban and  
18 agricultural lands and the limitations of staff time could be  
19 recognized. In summary, site specific dicussion of alternative  
20 sites for each exception area is not required, according to  
21 respondent. What "alternative sites" analysis that exists in  
22 the exception document should be sufficient, claims respondent.

23 To begin, we must conclude that the existence of the Polk  
24 County acknowledgment order does not control. The facts of  
25 geography, agricultural enterprise and population are different  
26 between the two counties, and we do not believe the Polk County  
27 order excuses counties from making specific findings of need  
28 and alternative sites when considering exceptions for specific  
29 areas. We do not find anything incompatible with a strict  
30 review of the Douglas County exception in a quasi-judicial  
31 setting and a somewhat less strict review in an acknowledgement  
32 review setting. We recognize that the Polk County exception

1 order is not as detailed as the order that follows in this  
2 case, and there is little need for the acknowledgment order to  
3 be so detailed. The challenge here, in a quasi-judicial  
4 setting, is to specific pieces of property. The Commission, in  
5 an acknowledgment review of an entire county comprehensive  
6 plan, deals with all the property in the county.

7 We conclude here that a need for the nonresource use must  
8 be shown in each of the exception areas and may not be shown by  
9 a generalized statement of population increase for the county.  
10 We further conclude that a showing of why the need may not be  
11 provided for on nonresource or committed land must also be shown  
12 in each individual exception area. We appreciate the county's  
13 general arguments that cities may not be able to provide  
14 funding for needed public services within their boundaries, and  
15 we understand that the county's population projections and the  
16 history of the county suggests that a rural lifestyle is  
17 predominant in Douglas County. Nonetheless, we do not believe  
18 these general facts excuse the county from viewing each bit of  
19 property specifically and showing how it is, by compelling  
20 reasons and facts, (1) that a need exists; (2) that there are  
21 no suitable other nonresource or committed land locations; (3)  
22 what consequences exist from not applying the goal or  
23 permitting the alternative use; and (4) that the use will be  
24 compatible with adjacent uses.<sup>8</sup>

25 AREA I - COASTAL EXCEPTION

26 Petitioner challenges the coastal exception on the ground

1 that the county has not shown that the cities in the coastal  
2 area are not able to provide for anticipated growth. Also,  
3 petitioner challenges the county's finding that the topography  
4 of the area limits urban growth. Petitioner claims the  
5 county's finding on topography is conclusory and not supported  
6 by substantial evidence in the record.

7 The coastal exception begins with a discussion of  
8 population. The county advises that International Paper in  
9 Gardner is planning to expand, and the work force will increase  
10 by some additional 300 jobs. The county says that there will  
11 be a total of 500 primary and secondary jobs, and this growth  
12 was not anticipated by the City of Reedsport when it drew its  
13 urban growth boundary. The county says that housing is scarce  
14 in the area, and the county mentions that there were 303 rental  
15 units in a city, with no vacancies. The county doesn't tell us  
16 what city it is talking about. The county says population  
17 projections for the region show a year 2000 population of  
18 13,352, of which 8,902 will live within the Reedsport urban  
19 growth boundary and an additional 1,533 will reside in the  
20 "urban-type unincorporated areas of Winchester Bay and  
21 Gardner." The county says an additional 1,000 people are  
22 projected to be living in rural areas. This population  
23 allocation is not specifically explained.

24 The county claims the urban areas (including Gardner and  
25 Winchester Bay) are limited by topography "which simply limits  
26 the available buildable lands." Also, the alternative of

1 placing the housing in these areas would require "an upward  
2 adjustment" of their population projections and subsequent  
3 enlargement of public facilities to serve them. The county is  
4 again referring to the Reedsport and Gardner-Winchester areas.  
5 With respect specifically to Winchester, the county took an  
6 exception to 32 plus/minus acres presumably in part to meet an  
7 expansion as expected in the tourist industry. The county  
8 found alternative sites particularly Salmon Harbor Drive west  
9 of Winchester Creek to be

10 "less desirable than the preferred alternative due to  
11 relative steepness of the slope of the property (28 to  
12 30 percent) and that, although within all district  
13 boundaries, existing sewer and water lines are further  
from the site than with the preferred site. Also the  
elevation of the property may make water service more  
costly."

14 If we accept the county's population figures as accurate,  
15 we still do not understand how the county is "compelled" by the  
16 facts discussed for these areas to conclude that the urban and  
17 urban-like areas of Reedsport, Gardner and Winchester cannot  
18 accommodate or enlarge their urban growth boundaries  
19 sufficiently to accommodate projected growth. The maps  
20 included with the exceptions statement and also included in the  
21 exceptions document itself do not appear to us to be  
22 substantial evidence of topography that severely limits  
23 development potential within the urban area. The county has  
24 not explained how it is that this topography so limits  
25 development, and we cannot presume to make the conclusion for  
26 the county. Even accepting a large population growth as yet

1 unplanned for by particularly the City of Reedsport, there is  
2 nothing to stop the City of Reedsport and the county from  
3 planning for the growth and agreeing on an enlarged urban  
4 growth boundary to insure that the work force at the  
5 International Paper plant is adequately housed.

6 We note additionally the county appears to rely in the  
7 Gardner and Reedsport areas on the proximity of "committed"  
8 areas. The committed areas are not completely described, and  
9 it is not shown how it is the committed areas make use of the  
10 subject property for resource purposes unfeasible.

11 In summary, even if we can agree that the county has shown  
12 that there will be a population increase in the area and that  
13 housing will have to be provided, it has not shown by  
14 compelling reasons and facts that resource properties must be  
15 used to meet these needs. Petitioner's challenge to this area  
16 is sustained.

17 NORTH COUNTY EXCEPTION AREA

18 Petitioner challenges the county's exception for the North  
19 County Exception Area for the same reasons put forth in the  
20 challenge to the coastal exception area. That is, "the  
21 findings that the cities of Drain, Elkton and Yoncalla cannot  
22 accommodate additional growth are conclusory and not supported  
23 by factual evidence in the record." Petitioner adds that a  
24 need for rural homesites based upon a possible expansion of  
25 employment opportunity in the area is speculative and certainly  
26 not "compelling."

1           The county introduces the North County Exception by saying  
2 that rural residential uses need to be provided to accommodate  
3 a projected growth of some 1723 people. The county points to  
4 expanding commercial operations as a source of this growth.  
5 The county notes that some of the parcels are small and  
6 contiguous to lands the county believes are "committed."

7           The county claims that alternative locations do not satisfy  
8 the need. Firstly, housing within surrounded committed lands  
9 will not meet housing demand, and sizes of the committed  
10 parcels are limited to two and five acres "to insure that a  
11 violation of the carrying capacity of the soils does not occur  
12 \* \* \* \*" The county notes that approximately 771 housing units  
13 should be provided, and only 230 units can be provided on lands  
14 the county believes are "committed."<sup>9</sup>

15           Secondly, as to placing the homesites within the  
16 Drain-Yoncalla or Elkton UGB, the county states that placement  
17 "would require an upward adjustment of their population  
18 projections, which they have not provided for." The county  
19 also mentions that the cities are struggling to provide  
20 services.

21           Again, the county has not shown by compelling reasons and  
22 facts that a need exists for rural residential housing and that  
23 any housing needed must be provided outside urban areas. There  
24 is nothing to indicate how it is that the county was compelled  
25 to find that the appropriate cities cannot expand their urban  
26 growth boundaries to accommodate whatever need maybe seen to

1 exist.<sup>10</sup> For example, with the Daniel M. Webb property, we  
2 note that the county has included sufficient facts to suggest  
3 that the property might well be suited for residential  
4 development, but we fail to see how it is that the county was  
5 "compelled" to conclude that the property is now needed or  
6 needed in the foreseeable future to accommodate a need for rural  
7 residential housing. The county says that "an existing and  
8 projected housing demand" exists that is not being met in the  
9 immediate vicinity, but it does not explain how it is that the  
10 need cannot be met by an adjustment of urban growth  
11 boundaries. The conclusion that the cities are not planning to  
12 accommodate the whole of the housing growth simply is not  
13 sufficient without further explanation of why it is that the  
14 cities are not so planning and upon what justification.  
15 Further, if we agreed that some housing were needed outside the  
16 existing urban growth boundaries, we fail to understand why  
17 this need must be fulfilled on resource land. There is no  
18 explanation of how much of the housing demand is to be made  
19 through rural residential housing, why it is that rural  
20 residential housing is required, what other nonresource  
21 properties might be available, and why such other properties  
22 were not chosen.

23 Petitioner does not dispute, and we have no reason to  
24 dispute, that some of the property in this area maybe needed  
25 and used for rural industrial purposes.<sup>11</sup> Along with that  
26 industrial use, there may be a need for rural housing for plant

1 workers. See, e.g. DLCD v. Tillamook, supra. The county,  
2 however, has not tied an industrial site to a rural housing  
3 need that cannot be met within nearby incorporated areas. It  
4 is not, in other words, as though a cedar shake mill existed  
5 far enough into the wilderness to require housing for workers  
6 near the site. The petitioner's challenge is sustained.

7 CENTRAL COUNTY EXCEPTIONS AREA

8 The challenge to the Central County Exception Area is  
9 divided into several parts. Again, the attack is similar to  
10 the two preceding sites.

11 1. Calapooya, North Roseburg, Melrose-Lookinglass, Glengary

12 In these areas, petitioner seizes upon the county's view  
13 that rural residential housing is necessary because of the  
14 variety and diversity of employment in this particular area of  
15 the county. Petitioner claims the county plan does not show a  
16 very good outlook for the lumber and wood products industry  
17 because of an anticipated decline in the industry's output.  
18 Petitioner also notes that the county expresses a need to  
19 diversify the economy, and concludes that the evidence does not  
20 support the county's finding of a need for rural residences on  
21 the ground that expanding industry will create this need.

22 The whole of the county's finding on need is included as  
23 follows:

24 "1. Why these uses should be provided for.

25 "Rural residential uses in the above areas are  
26 necessary due to the variety and diversity of  
employment opportunity in the central part of the

1 County. Employment opportunity in Green makes  
2 Glengary an efficient area for rural living in terms  
3 of energy efficiency. Employment in the wood products  
4 industry, including all sectors (tree planting,  
5 logging, log truck driving, as well as mill work),  
6 makes rural residential uses not only desirable but  
7 necessary also."

8  
9 With respect to other sites that could be used to satisfy a  
10 need, the county says, in part,

11 "As a part of Douglas County's adopted Rural Land  
12 Policies (Phase I) all committed land was utilized to  
13 accommodate a portion of the growth described in the  
14 Land Use Element and this exception.

15 "Based on problems surrounding the supplying of  
16 facilities and services to area urban populations, the  
17 possibility for accommodating the additional projected  
18 population within area Urban Growth Boundaries appears  
19 infeasible.

20 "One of the area's sewer plants is currently at  
21 capacity and the City of Roseburg's has approximately  
22 four years before reaching capacity. The city has  
23 attempted to amend its charter twice to provide  
24 additional revenue to pay for the match for an EPA  
25 grant to expand the treatment facility. With the  
26 charter amendment failing, the grant was lost.

At this time there is no assurance that the City  
of Roseburg can accommodate the growth that shall be  
projected for the Central region of Douglas County.

The county goes on to discuss the development advantages of the  
sites more than other sites that might be used to satisfy the  
need.

With respect to the Nonpariel area east of Sutherlin, the  
county claims that even if committed lands in the Calapooya  
area were utilized to their maximum density, insufficient  
housing units would be provided. The county then says "because  
the nature of the community would be dramatically altered if

1 all 225 units were accommodated, other areas must shoulder  
2 additional growth."

3 These findings are not sufficient to compel the county to  
4 conclude that a need exists for rural residential housing.  
5 There is insufficient detail to show how it is that employment  
6 diversity in these areas requires rural residential as opposed  
7 to urban housing. We are told that the industries in the area  
8 are located outside incorporated city limits, but we are not  
9 told how far outside incorporated city limits. Further,  
10 discussions concerning other lands within which the housing  
11 need might be fulfilled are similarly conclusory. We are told  
12 that "the possibility exists that the City of Roseburg or other  
13 area sanitary districts within the region may not be able to  
14 service the region's sanitary needs \* \* \* \*" We are not told  
15 what steps might be taken so as to aid the City of Roseburg to  
16 meet its requirements, or what other possibilities might exist  
17 to provide for needed services within the urban growth  
18 boundary.<sup>12</sup>

19 We do not agree with petitioner who seems to suggest that  
20 no financial problems experienced by a city should be used to  
21 justify moving housing outside a city. However, we do not feel  
22 the problems cited by respondent here are sufficient to allow  
23 the county to turn population toward the country. There is  
24 simply not sufficient information to compel the local governing  
25 body to conclude that housing needs exist and must be met in  
26 rural areas and cannot be met on nonresource land.<sup>13</sup> The

1 petitioner's challenge is sustained.

2 2. North Umpqua

3 Petitioner challenges the North Umpqua area on the ground  
4 of inadequate site specific information. Petitioner  
5 acknowledges that some land in the Glide vicinity is committed  
6 to nonresource use, but asserts that "it is impossible to tell  
7 with any degree of certainty which parcels are committed."  
8 Petitioner then concludes that the other areas outside of the  
9 Glide core area have not been shown to be appropriate for an  
10 exception.

11 This particular area is discussed in the exceptions  
12 document in terms of its commitment to nonresource uses. It  
13 would appear that the county is in large part basing its  
14 exception on the notion that the property is committed, rather  
15 than on the classic Goal 2 exception. See 1000 Friends v.  
16 Marion County, 1 Or LUBA 33 (1980); 1000 Friends of Oregon v.  
17 Clackamas County, \_\_\_\_ Or LUBA \_\_\_\_ (LUBA No. 80-060, 1981).  
18 However, after reviewing the information available on  
19 individual parcels, we find we agree with the petitioner that  
20 the exception lacks specificity.

21 There are five sites having 163.31, 120.3, 368.95, 909.25,  
22 and 16.20 acres respectively. The county's discussion of need  
23 for nonresource designation on these properties is general and  
24 is based upon the conclusions that very little agricultural  
25 activities are associated with these parcels; that the lands  
26 have already been subdivided or partitioned in relatively small

1 parcels; that the parcels average 20 acres or less; that the  
2 parcels are adjacent to or surrounded by committed lands; that  
3 the parcels are hampered by a lack of management potential and  
4 other general comments that do not explain how it is that the  
5 property should be used for nonresource purposes. Further, as  
6 to what alternative locations might be available for proposed  
7 uses, the county simply concludes as follows:

8 "What alternative locations within the area could be  
used for the proposed uses?"

9 "In this case, there are not other alternatives  
10 as the reason for the use is based on prior  
11 development, and the parcel sizes precluding proper  
12 commercial management. If this rural development were  
13 proposed within other resource areas, the action would  
14 introduce the discussed conflicts into areas where  
15 they presently don't exist.

16 "It could be agrued [sic] that the accommodated  
17 growth should be directed into the Glide Core Area.

18 "1. As previously stated, the Glide sewage  
19 treatment facility was designed for a low  
20 level of development and increase in housing  
21 units would increase the need for higher  
22 density development.

23 "2. The adjacent residential development and  
24 parcel size would continue to hamper the  
25 resource uses of these lands. In fact, the  
26 addition of homesites may increase  
27 productivity by increasing the labor  
28 intensive activities."

29 We do not believe there are sufficient compelling reasons  
30 and facts from which to conclude that a need for other than  
31 resource uses existed on these properties generally, and that  
32 there were no nonresource sites for the perceived needs. The  
33 above quoted discussion does not even review other nonresource

1 land sites that might accommodate the perceived growth. The  
2 petitioner's challenge is sustained.

3 3. Roseburg

4 Petitioner challenges the exception for the Roseburg area  
5 on the grounds that the county has not shown why it is that the  
6 Mt. Nebo area, which is forest land and may be suitable for  
7 grazing, is needed for a nonresource use.

8 The Roseburg area contains some 72 acres. It is near the  
9 city limits of Roseburg and consists of 90 percent Class VI  
10 soils. The county's findings tell us that it is "technically  
11 forest land," although no merchantable timber grows presently  
12 on the property. Again, however, the need for this property is  
13 stated generally in terms of the county's need for rural  
14 residential housing, and we say again that even if we agree  
15 that a need for rural housing exists, a general need for rural  
16 residential housing in the county does not translate into a  
17 need for a particular piece of resource property.

18 We stress that this property is in close proximity to the  
19 City of Roseburg and may well be suitable for conversion from  
20 marginal agricultural or grazing property to rural residential  
21 property, but we do not see that the county has shown by  
22 compelling reasons and facts that a need exists for this  
23 particular piece of property.

24 The petitioner's challenge is sustained.

25 4. Dixonville

26 Petitioner attacks the Dixonville exception on the ground

1 that the need test has not been met, as the county is again  
2 relying on its rural population projections. Further, the  
3 petitioner claims the assumptions that nearby cities cannot  
4 provide facilities and services necessary to accommodate growth  
5 are conclusory and not supported by substantial evidence.

6 The Dixonville area is located about three miles east of  
7 Roseburg. The county says population projections reflect "an  
8 additional 792 people or about 316 new dwellings" by the year  
9 2000. We are not told whether population projections are  
10 specific for this area or whether the county is speaking of  
11 some broader community. If we assume that the population  
12 projections are specific to the area of Dixonville, then we  
13 must look to what alternative locations might fulfill this  
14 housing need.

15 The first alternative suggested is to include housing  
16 within surrounded committed lands. The county concludes the  
17 surrounding committed lands are not sufficient to meet the  
18 entire need. The next alternative suggested by the county  
19 would be to locate the homesites within the Roseburg urban  
20 growth boundary. Here, the county concludes that this  
21 alternative "would require an upward adjustment of their  
22 (Roseburg's) population projection which they have not provided  
23 for. Roseburg at this time is struggling to provide necessary  
24 facilities to accommodate an already high growth projection."  
25 The county then goes on to mention the city's funding problems  
26 with the sewer system.

1        Again, we find fault with the county's discussion of  
2        alternative sites. Present difficulties in funding a sewerage  
3        system do not mean that other alternatives for an adequate  
4        sewer system within the urban growth boundary may not be  
5        available. Further, the fact that Roseburg has not provided  
6        for so large a population growth does not mean it cannot  
7        provide for a larger population growth by an amendment to the  
8        urban growth boundary. The findings do not say the City of  
9        Roseburg cannot (or even refuses to) enlarge its urban growth  
10       boundary. Similarly, we are not cited to anything in the  
11       record whereby the county has brought this projected population  
12       growth to the attention of the City of Roseburg and inquired as  
13       to how the City of Roseburg might assist the county in meeting  
14       this projected growth. In short, the county's finding as to  
15       alternative locations is simply not sufficient to compel the  
16       county to take resource land, albeit marginal, for nonresource  
17       uses.

18       We must agree with petitioner's challenge.

19       5. Douglas

20       Petitioner attacks respondent's exception for the Douglas  
21       area on the basis that the population projections are not  
22       adequate to demonstrate need within the meaning of Goal 2. The  
23       areas involved include two separate but related rural  
24       communities. "Ten Mile" is the larger of the two and is along  
25       Highway 42. It includes a commercial area. Ollalla is south  
26       of Ten Mile and simply includes rural homesites. Population

1 projections are stated by the county to require some 800  
2 homesites, and we assume this 800 homesite figure includes the  
3 whole of the Douglas exception area. We are not told what  
4 share of this 800 homesite projection is to be borne by each  
5 community. In much of its discussion on why nonresource uses  
6 are to be provided for in this area, the county speaks as if  
7 much of the area around the two communities is committed to  
8 nonresource use. The county says the

9 "residential nature prohibits aerial seeding,  
10 fertilizing or spraying. It also inhibits intensive  
11 grazing and provides conflicts with dogs, fencing of  
12 farm animals and general nuisances such as odor and  
noise. However the small rural farmsite usually can  
maintain the agricultural activity, fencing, etc.  
because of the close attention given to a small area."

13 The county claims the area is a bedroom community for the wood  
14 products industry.

15 As to alternative sites, the county again notes that the  
16 committed lands are inadequate to satisfy the population  
17 projection. Again, we don't know that the "committed" lands  
18 are in fact "committed" within the Commission's rulings.

19 Assuming that the county is correct and that there are  
20 committed areas around Ten Mile but that they are not  
21 sufficient to accommodate all the growth, we are still left  
22 with whether a nearby urban growth boundary could accommodate  
23 the growth. The county says that the nearest urban growth  
24 boundary is Winston, and that urban growth boundary is ten  
25 miles away.

26 We can accept an exception for an area that is shown to

1 need additional land for residential use where the community is  
2 sufficiently isolated from a nearby urban growth boundary so as  
3 to make it impractical and costly to prohibit the local  
4 community from accepting any more population. Assuming these  
5 communities are nearby, it is not unreasonable for the county  
6 to conclude that the areas will grow.

7 However, in this particular exceptions area there are only  
8 two sites, the first of which has 650 acres, and the second of  
9 which has 445 acres. The county seeks to take an exception to  
10 nearly 1100 acres to accommodate an expected population growth  
11 requiring some 800 homesites. We are not told why it is that  
12 each homesite should have in excess of one acre serving it, at  
13 least on the average.

14 It may be appropriate that the Ten Mile area and the  
15 Ollalla area develop boundaries in the nature of urban growth  
16 boundaries as we said in Medford v. Jackson County, 2 Or LUBA  
17 387 (1981). That is, there are communities existing within the  
18 State of Oregon that are not incorporated but are like cities  
19 in that they have commercial centers, have urban housing  
20 densities, have urban industrial uses and are otherwise  
21 operating in the nature of cities. We cannot deny their  
22 existence. They can not be forced to incorporate, and counties  
23 must plan for their growth. Part of that planning may include  
24 the drawing of something like an urban growth boundary to  
25 accommodate projected growth needs.

26 Therefore, while we can appreciate that an exception for

1 the Douglas area may be appropriate, we cannot conclude that a  
2 need has been shown for so large an exception area based on the  
3 facts available to us in the county's exceptions document.

4 Much more detail is necessary before we can conclude that (1)  
5 the population projection is adequate; that (2) the communities  
6 will grow; that (3) committed lands nearby the community cannot  
7 accept the growth; and that (4) housing mixes and densities are  
8 such as to require the taking of resource land for residential  
9 use.<sup>14</sup> Petitioner's challenge is sustained.

10 7. Camas Valley

11 Petitioner attacks the exception taken for Camas Valley on  
12 the ground that the extent of the need identified is  
13 unjustified. Here petitioner recognizes that Camas Valley  
14 exists apart from cities and "is an area that does not compete  
15 with cities for housing." However, the petitioner attacks the  
16 county's projection of 645 additional people as finding no  
17 support in the local employment forecasts. Petitioner says  
18 that mere reliance on a population projection is not sufficient  
19 to justify an exception.

20 Camas Valley is a rural community located along Highway  
21 42. It is about 27 miles west of the City of Roseburg. The  
22 exception area contains 118 acres. There are some 22 privately  
23 owned industrial and commercial businesses, and there are five  
24 major employers in the area.

25 The county says that its population projection shows an  
26 additional 645 people will be living within the valley by the

1 year 2000. The county housing element in the comprehensive  
2 plan projects a need for 3,732 housing units, and Camas Valley  
3 is said to require a proportional share. It is not clear what  
4 the county means by a proportional share and how it is the  
5 county has arrived at this proportional share.

6 There are many families in the Camas Valley area who have  
7 been living there for many generations. The county recites a  
8 number of businesses and employers in the area and concludes  
9 that housing stock in the valley is deficient. There are some  
10 25 rental units and none is vacant. The county says several  
11 inquiries are made each month as to rental availability and the  
12 availability of rural homesites.

13 As to alternative locations to accommodate growth, the  
14 county notes that committed lands are not sufficient to  
15 accommodate growth projection. As to location of increased  
16 population within the urban growth boundary of Winston or  
17 within the Ten Mile area, the county claims that these areas  
18 have not planned for such an increase in population. Winston  
19 is 18 miles away from the Camas Valley, and Ten Mile is eight  
20 miles away. The county concludes that these areas are "well  
21 outside of the area of influence and could not practically  
22 accommodate the growth."

23 It appears to us that the county has demonstrated that  
24 provision must be made to accommodate growth in the Camas  
25 Valley area as opposed to some nearby urban area. Our  
26 difficulty with this exception is that we do not understand the

1 county's allocation of a "housing share" to Camas Valley. It  
2 appears that the county has concluded growth will occur in  
3 Camas Valley because Camas Valley's own peculiar circumstances  
4 but also because of an expected general growth in the county.  
5 Were the county to have shown specifically what Camas Valley's  
6 population growth will be, what housing mix (i.e. types and  
7 densities) will be used to accommodate the growth, what is  
8 meant by "share" of the county's population growth and how that  
9 growth will affect Camas Valley, then the county could consider  
10 whether the growth could be accommodated at all and then  
11 whether it had enough nonresource or committed land to  
12 accommodate the growth. If resource land had to be taken to  
13 meet the growth, then an exception would perhaps be justified.

14 As we do not understand the county's population projections  
15 for Camas Valley, we must agree that the exception is wanting a  
16 justification for so large an exception.

#### 17 SOUTH COUNTY

##### 18 1. Myrtle Creek - Tri-City

19 The Myrtle Creek Tri-City exception within the South County  
20 area is challenged on the ground that the county has improperly  
21 relied on a generalized population projection to show need.  
22 Petitioner claims the record shows that timber employment in  
23 the area is diminishing and not expanding, and the county has  
24 failed to consider providing for its population growth within  
25 urban growth boundaries.

26 We do not see the county to have discussed population

1 projections for this area specifically. The county has said  
2 there are several industrial sites, and those sites may indeed  
3 generate a need for land to provide housing, but the county is  
4 silent on how much growth will occur. As to alternative  
5 locations for whatever need might exist, the county simply  
6 concludes that the urban growth boundaries of Myrtle Creek and  
7 Tri-City cannot accept the growth because those communities  
8 have not provided for such growth. Taking resource land for a  
9 nonresource use may not be justified on the grounds that at  
10 present, urban growth boundaries are not large enough.

11 2. South Umpqua

12 Petitioner challenges the South Umpqua exception on the  
13 basis there is insufficient evidence to compel a conclusion  
14 that the land is needed for rural housing.

15 The South Umpqua area consists of three separate  
16 communities stretching across some 30 miles. The county  
17 projects a population increase from the present population of  
18 750 to 1,112, and the county concludes 141 new residential  
19 sites will be needed therefor. The community is reliant upon  
20 timber, tourist, commercial and agricultural enterprises. The  
21 U.S. Forest Service is the largest employer employing some 200  
22 persons full time.

23 The county claims that this population growth cannot be met  
24 in committed lands, as only 109 homesites will be provided if  
25 all committed lands are developed to their full potential.  
26 Locating homesites in an existing urban growth boundary is

1 impractical as the nearest urban growth boundary is  
2 Canyonville, some seven miles from Days Creek and some 30 miles  
3 from Tiller, claims respondent.

4 In this area, we do not understand how the county has  
5 allocated the increase in population and from where the  
6 increase originates. We are unable to find any evidence in the  
7 record tying a general population increase for the county to  
8 this particular area. Further, we do not understand why the  
9 committed lands could hold only 109 homesites, accepting for  
10 now the notion the committed lands are in fact committed to  
11 nonresource uses. In short, though the exception appears to be  
12 logical, and we can understand how an area as remote as the  
13 South Umpqua area should be regarded as in need of some means  
14 of allowing for growth, we do not understand how it is that  
15 growth will occur here and to what degree.<sup>15</sup>

16 3. Riddle - Canyonville

17 Petitioner attacks the Riddle - Canyonville exception on  
18 the ground that its rural population projections do not justify  
19 need for rural homesites. Again, petitioner says housing needs  
20 should be met within urban growth boundaries. Petitioner  
21 points to the nearby communities of Riddle or Canyonville as  
22 communities that would be able to provide urban housing for any  
23 population growth in the area. The respondent defends the  
24 Riddle - Canyonville area by citing difficulties the  
25 communities are having with providing needed services for  
26 existing levels of development.

1           The Riddle - Canyonville area includes 384.41 acres. There  
2 are several employers, and the county mentions a need for 1,934  
3 new dwellings "for future growth in South Douglas County's  
4 unincorporated areas." There is no specific statement as to  
5 population projections for this area. We take the county to  
6 mean the 1,934 housing units are for the whole of the South  
7 County with some unnamed share allocated to the Riddle -  
8 Canyonville exception.

9           This population projection is not sufficient to indicate a  
10 need to take resource land for nonresource uses. Any need that  
11 may exist, furthermore, has not been shown by the county to be  
12 precluded from satisfaction within urban growth boundaries.<sup>16</sup>

13       4. Cow Creek

14           Petitioner attacks the Cow Creek exception area on the  
15 basis that a generalized population projection is insufficient  
16 to demonstrate need. Petitioner notes the respondent fails to  
17 say why additional population cannot be accommodated inside  
18 urban growth boundaries. Petitioner challenges a county  
19 conclusion that rural land is needed for economic reasons as  
20 petitioner urges that employment in the area is timber related,  
21 and the outlook for timber production is bleak.

22           Respondent claims that work locations in the area tend to  
23 be scattered. The scattered work locations require housing in  
24 the many small communities in the area, according to  
25 respondent. In other words, the county relies on employment in  
26 the area and the characteristics of that employment to support

1 the need for conversion of resource land for non-resource uses.

2 The area is the southern most portion of Douglas County and  
3 is sparsely settled. The only incorporated city is Glendale,  
4 but there are unincorporated communities of Glendale Junction,  
5 Fortune Beach, Quinens Creek and Booth, among others. There  
6 are two forest related industries, the Robert Dollar Mill and  
7 the Superior Logging Mill.

8 The county says that housing unit needs for the areas of  
9 Cow Creek, Riddle, Canyonville, South Umpqua and Myrtle Creek  
10 Tri-County is 4,770 units by the year 2000. Of that total  
11 4,770, the Cow Creek area is allocated 440 units to meet  
12 projected growth. We are not told how it is that the Cow Creek  
13 area will grow so as to require an additional 440 units of  
14 housing, and we are not told what sort of housing mix as to lot  
15 size, density and kind of housing is to be made.

16 If we accept the notion there will be a population  
17 increase, we are still not told how it is that resource land is  
18 necessary to satisfy that housing need. Certainly, we do not  
19 believe the county could be compelled by its discussion of  
20 population to conclude that 457.04 acres were needed in this  
21 exception. As noted earlier, it may be that the diverse  
22 population in this area will grow and part of the housing need  
23 will have to be satisfied with rural housing, but we have not  
24 been given sufficient detail as to that population growth and  
25 precisely where it will occur to be able to say that the county  
26 could be compelled to except the area from Goal 3 and Goal 4.

1 As to alternate sites for housing, we add the county's  
2 conclusion that the committed lands in the area are not  
3 sufficient to meet the need is suspect given our ruling in the  
4 companion case issued today, 1000 Friends of Oregon v Douglas  
5 County, LUBA No. 81-011. Further, even if we accept the  
6 county's claim as to the amount of committed lands in the area,  
7 we do not understand how it is that the county's mix of housing  
8 and of lot sizes does not allow for accommodation of the  
9 expected population on such committed lands.

10 COMMERCIAL and INDUSTRIAL SITES

11 Petitioner challenges the North Umpqua Tourist Commercial  
12 Site 3, a 16 acre site, owned by Intervenor John R. and Brenda  
13 L. Gardner, on the ground that the exception fails to consider  
14 site specific alternative locations (this site is known as Site  
15 20 in the North Umpqua PAC area in the final county exception's  
16 document.) Petitioner says the findings do not compel the  
17 conclusion that this property should be taken for non-resource  
18 use. Petitioner recognizes, however, that there may be a need  
19 for additional tourist commercial property along the North  
20 Umpqua River.

21 Respondent Douglas County and intervenors argue that the  
22 property is needed for recreational purposes, and specifically  
23 commercial recreational purposes. The county's findings recite  
24 a need for additional tourist commercial facilities between  
25 Idleyld and Diamond Lake. This finding is not challenged by  
26 petitioner. The county also notes that this property helps to

1 satisfy Goal 8's demand that plans recognize and provide for  
2 the recreational needs of the citizens of the state and its  
3 visitors.

4 As to alternative locations for the needed tourist use, the  
5 county points to its location adjacent to a trailer park and a  
6 BLM recreational area along with a quarter mile of frontage on  
7 State Highway 138 to illustrate its ideal condition for tourist  
8 commercial uses. There is no complete discussion of what other  
9 locations were examined. The only finding on other locations  
10 is as follows:

11 "Few alternative sites for Tourist Commercial use  
12 exist in the Upper Umpqua River area. Only three  
13 Committed Land Sites have been identified near the  
subject property and these are 80 to 100 percent  
developed for residential or commercial uses."

14 We conclude that an exception for this property may indeed  
15 be appropriate. The property appears to be well suited for its  
16 suggested use as a tourist commercial property, but we are  
17 unable to find an explanation of why the whole of the property,  
18 16 acres, is necessary for this use. Perhaps some smaller part  
19 of the tract could adequately serve the commercial need.

20 Also, we do not see an adequate explanation of alternative  
21 sites existing within this area. We do not know the area of  
22 the county's inquiry into alternative sites, and we do not know  
23 what "near the subject property" means in that part of the  
24 exception quoted above that talks of other locations. It may  
25 in fact be that alternative sites are not available, but  
26 petitioner has challenged the adequacy of the county's finding

1 on alternative sites, and we must agree that it is vague.

2 NORTH ROSEBURG TOURIST COMMERCIAL

3 Petitioner challenges findings for the North Roseburg  
4 Tourist Commercial area as they do not address the factors in  
5 Goal 2, Part II. The respondent replies that there is no  
6 exception provided for the area because the property will be  
7 included within the proposed urban growth boundary for the City  
8 of Roseburg. As the county did not consider this area as part  
9 of its exception document, we will not review it here.

10 SOUTH UMPQUA INDUSTRIAL

11 Petitioner challenges the South Umpqua Industrial area on  
12 the ground that the findings do not show the land is committed  
13 to non-resource use. Further, petitioner claims the findings  
14 do not address the alternative of placing forest products  
15 processing facilities within an urban growth boundary.

16 The South Umpqua Industrial, a site of some 10 acres  
17 designated as Site 54 in the South Umpqua area, is proposed for  
18 a forest products processing facility and an electric power  
19 plant and a fuel alcohol refinery. The county says the  
20 facility requires a site specific location where timber is  
21 harvested, as timber products are the plant's raw materials.  
22 There are three phases to plant development, construction of a  
23 facility to process cull logs and forest waste into hog fuel;  
24 construction of an electric power plant to use the hog fuel to  
25 make electricity and, finally, construction of a fuel alcohol  
26 refinery to utilize the fermentation of hog fuel to produce

1     ethenol. The facility will make noise, generated by the log  
2     chipper, and such noise would present serious conflicts to  
3     adjoining uses if it were located in an urban area as  
4     petitioner appears to desire. The facility is to be  
5     constructed on a site that was occupied by a mill and a gas  
6     station, and there will be no consequent loss of timber lands.

7             The county justifies the need for the parcel in part on  
8     Goal 9 in that the project will help to diversify and improve  
9     the economy of the state; on Goal 13 on the ground that the  
10    proposed production of alcohol and generation of electricity  
11    will assist in the conservation of energy and on Goal 14 in  
12    that, as we understand the county's findings, there are few  
13    vacant available industrial sites within the city limits. The  
14    site is also well situated to receive the necessary raw  
15    materials, and the use on this site will have no adverse impact  
16    on adjacent uses.

17            Assuming the statement of public need for this project is  
18    adequate, the county then goes on to discuss other available  
19    properties. The county says there is no land in the South  
20    Umpqua planning area zoned for industrial use, and the county  
21    also finds other property owned by the applicants would not  
22    provide a better site. The county then makes the following  
23    statement:

24                    "Proper planning would dictate more information  
25                    for this required comparison. That information is not  
26                    available. In deciding this issue in favor of the  
                    application the Hearings Officer notes the scarcity of  
                    industrial sites and the fact that the subject site is

1 not on resource land. It is highly unlikely that  
2 there any any [sic] sites within the South Umpqua  
3 Planning Area that could be developed for industrial  
4 use without taking an exception to Goals 3 or 4. The  
5 subject site undoubtedly lost its resource value by  
6 its past development as an industrial site."

7 This statement is inadequate to show consideration of other  
8 available sites. Not only does it show that the county did not  
9 conduct an inventory of other possible sites, but that the  
10 county did not adequately consider other sites. It may be that  
11 a project of this variety belongs in a rural area and that an  
12 exception for this use on this site is appropriate. However,  
13 the county's findings as to need are barely adequate, and the  
14 findings as to alternative locations are wholly inadequate.

#### 15 COW CREEK TOURIST COMMERCIAL

16 Petitioner attacks the Cow Creek Tourist Commercial site as  
17 being inadequate because there has been no survey of  
18 alternative locations. Further, petitioner alleges that the  
19 need for the exception is addressed in a very conclusory manner  
20 and findings on compatibility are impermissibly vague and  
21 conclusory, according to petitioner.

22 As to Site 68, a proposal for commercial property abutting  
23 Quins Creek frontage south of the Interstate/Quins Creek  
24 interchange, we are unable to find a statement of need. There  
25 is mention of a survey of motel occupancy rates in Canyonville,  
26 and it appears that the county believes that the site is  
suitable for tourist commercial uses, but we are unable to find  
how it is that there is a present need or a need in the

1 foreseeable future for tourist commercial property at this  
2 location.

3 As to Site 69, a site at the Azalea Interchange and I-5  
4 providing direct access to the Cow Creek Road, there is little  
5 statement other than the property has been recognized as  
6 commercial since 1973 by the county planning department. The  
7 county tells us there is no other tourist commercial property  
8 for several miles north and south of the interchange.

9 We fail to see how these facts amount to a compelling need  
10 to provide for additional tourist commercial property at this  
11 location. We do not understand that any lack of facilities for  
12 the travelling public is evident, for example.

### 13 CONCLUSION

14 We agree with petitioner that general population increase  
15 figures, even where assumed to be accurate, do not of  
16 themselves equal a justification for a goal exception. The  
17 population figures alone do not tell the governing body where  
18 the growth will occur or what percentage of the growth will be  
19 satisfied with the various housing densities contemplated in  
20 Goal 10. Without knowing the particularities of the growth and  
21 where it will occur, the county is in no position to conclude  
22 that it needs to except rural lands from Goal 3 and 4  
23 protection.

24 We also agree generally with petitioner's claim that even  
25 if a need is shown, the county has failed to exhaust possible  
26 alternative nonresource sites.

1           This matter is remanded to Douglas County for further  
2 action not inconsistent with this opinion.

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1 COX, Concurring.

2 I concur with the result reached by the majority. However,  
3 I do not agree with the majority's equation of the word "need"  
4 with the "why these other uses should be provided for" standard  
5 for the reason stated in my concurring opinion in DLCD v.  
6 Tillamook County, \_\_\_\_ Or LUBA \_\_\_\_ (LUBA No. 81-004, 1981).

FOOTNOTE

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3 1  
4 Intervenor appeared through a petition for intervention.  
5 The Board has received no objection from any of the parties to  
6 the petition for intervention, and intervention will be allowed.

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8 We note that petitioner in a reply brief has alleged that  
9 some of its members, the Steamboaters, use the North Umpqua  
10 River as a recreational facility and that the development of  
11 the intervenor's property might interfere with the  
12 Steamboater's continued recreational use. This allegation of  
13 specific injury comes to late. Facts showing standing must be  
14 alleged in the petition for review, and the petition must be  
15 filed within the time limits provided in Oregon Laws 1979, ch  
16 772, sec 4(6). Petitioner may not wait until a challenge is  
17 made to allege facts necessary to show standing. The facts  
18 necessary to establish standing must always be alleged in a  
19 petition for review timely filed.

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21 2  
22 Goal 4 is as follows:

23 "GOAL: To conserve forest lands for forest uses.

24 "Forest land shall be retained for the production of  
25 wood fibre and other forest uses. Land suitable for forest  
26 uses shall be inventoried and designated as forest lands.  
Existing forest land uses shall be protected unless  
proposed changes are in conformance with the comprehensive  
plan.

"In the process of designating forest lands,  
comprehensive plans shall include the determination and  
mapping of forest site classes according to the United  
States Forest Service Manual 'Field Instructions for  
Integrated Forest Survey and Timber Management Inventories  
- Oregon, Washington and California, 1974.'

"Forest Lands -- are (1) lands composed of existing and  
potential forest lands which are suitable for commercial  
forest uses; (2) other forested lands needed for watershed  
protection, wildlife and fisheries habitat and recreation;  
(3) lands where extreme conditions of climate, soil and  
topography require the maintenance of vegetative cover  
irrespective of use; (4) other forested lands in urban and  
agricultural areas which provide urban buffers, wind

1 breaks, wildlife, and fisheries habitat, livestock habitat,  
2 scenic corridors and recreational use."

3 "Forest Uses -- are (1) the production of trees and the  
4 processing of forest products; (2) open space, buffers from  
5 noise, and visual separation of conflicting uses; (3)  
6 watershed protection and wildlife and fisheries habitat;  
7 (4) soil protection from wind and water; (5) maintenance of  
8 clean air and water; (6) outdoor recreational activities  
9 and related support services and wilderness values  
10 compatible with these uses; and (7) grazing land for  
11 livestock."

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Goal 2, Part II - Exceptions reads as follows:

"When, during the application of the statewide goals to plans, it appears that it is not possible to apply the appropriate goal to specific properties or situations, then each proposed exception to a goal shall be set forth during the plan preparation phases and also specifically noted in the notices of public hearing. The notices of hearing shall summarize the issues in an understandable and meaningful manner.

"If the exception to the goal is adopted, then the compelling reasons and facts for that conclusion shall be completely set forth in the plan and shall include:

"(a) Why these other uses should be provided for;

"(b) What alternative locations within the area could be used for the proposed uses;

"(c) What are the long term environmental, economic, social and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative use;

"(d) A finding that the proposed uses will be compatible with other adjacent uses."

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4

"Committed" lands are those lands which are committed to nonresource use by virtue of development, proximity to development and other considerations. See 1000 Friends v. Douglas County, LUBA No. 81-011 issued this day, 1000

1 Friends v. Marion County, 1 Or LUBA 33 (1980), and 1000  
2 Friends of Oregon v. Clackamas County, \_\_\_\_\_ Or LUBA \_\_\_\_\_  
(LUBA No. 80-060, 1981).

3 ORS 215.213(3) states:

4 "(3) Single-family residential dwellings, not  
5 provided in conjunction with farm use, may be  
6 established, subject to approval of the governing body  
or its designate in any area zoned for exclusive farm  
use upon a finding that each such proposed dwelling:

7 "(a) Is compatible with farm uses described in  
8 subsection (2) of ORS 215.203 and is consistent with  
the intent and purposes set forth in ORS 215.243; and

9 "(b) Does not interfere seriously with accepted  
10 farming practices, as defined in paragraph (c) of  
subsection (2) of ORS 215.203, on adjacent lands  
devoted to farm use; and

11 "(c) Does not materially alter the stability of  
12 the overall land use pattern of the area; and

13 "(d) Is situated upon generally unsuitable land  
14 for the production of farm crops and livestock,  
15 considering the terrain, adverse soil or land  
conditions, drainage and flooding, vegetation,  
location and size of the tract; and

16 "(e) Complies with such other conditions as the  
17 governing body or its designate considers necessary."

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19 The "rural/urban split" is a reference for Douglas  
20 County's apparent allocation of rural versus urban  
population.

21 

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6  
22 In our review of exception areas, we will occasionally  
23 accept the county's population projections as being  
24 adequate for the purposes of discussion, but we wish to  
note that the county has not linked population projections  
generally for the county to specific exception areas. We  
view this failure to be error.

25 

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26 In reaching this conclusion, we must reject the  
county's assertion that the "why these other uses must be

1 provided for" language in Goal 2 does not equal "need."  
2 While we can agree that the word "need" may not be the  
3 only equivalent to "why these other uses should be  
4 provided for," we do believe that "need" is an adequate  
5 shortcut and synonym for the "why these other uses \* \* \*"  
6 language in Goal 2. DLCD v. Tillamook County, LUBA No.  
7 81-004 (1981).

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8

9 The "what consequences" part of Goal 2 can not, of  
10 course, be shown by "compelling reasons and facts." This  
11 third criteria is used as part of the factual base for the  
12 showing of need for the exception and provides facts that  
13 may help the governing body and decide if the exception is  
14 desirable, let alone needed.

15 In our discussion of the individual sites that follow,  
16 we do not deal with the second and third elements of an  
17 exception of Goal 2. Our discussions are limited to the  
18 first two considerations because we find that the county  
19 has generally failed to show that (1), a need exists for  
20 the use contemplated and (2), that alternative locations  
21 for the need, where the need exists, are not available.

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22

23 The county's conclusion as to what lands are indeed  
24 committed to nonresource use may not meet the test of Goal  
25 3. See 1000 Friends v. Douglas County, LUBA No. 81-011  
26 issued this same day. We cannot, therefore, accept the  
27 conclusion that the lands that the county claims are  
28 committed are, in fact, committed within the meaning of  
29 Goal 3 as interpreted by the commission.

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30

31 We assume the county is not considering an expansion  
32 of urban population outside the UGB. In Rudd v. Malheur  
33 Co., 1 Or LUBA 322 (1980), we said it is not up to the  
34 county to absorb urban population pressures.

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35

36 A particular site, Site 12, is supported by record of  
37 a quasi-judicial decision changing the zone from general  
38 agriculture to heavy industrial to allow a cedar shake  
39 mill and log storage enterprise.

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40

41 One possibility not mentioned by petitioner or  
42 respondent is that of disallowing the growth. It may be

1 that in certain circumstances further growth in an area is  
2 not possible. We advance no comment, however, as to  
3 whether such conditions exist here.

3  
4 13

4 In the supplement to the North Roseburg exception,  
5 there is some discussion of an individual parcel owned by  
6 Frances D. Engel and Edgar G. Engel. The property is  
7 described as unsuitable for agricultural use because it  
8 has been excavated and covered with shale. It apparently  
9 is close to the City of Roseburg, is near a major  
10 arterial, is served by a sewer trunk line, and may  
11 otherwise be suitable for other than resource uses. Were  
12 the county to have shown a demonstrated need for rural  
13 residential properties, it would appear that property such  
14 as this might first be used to fulfill that need. In  
15 order to make such a showing, however, the county needs  
16 first to explain the rural residential need, specifically  
17 and with reference to particular areas, and then choose  
18 property (perhaps such as this) that might meet that  
19 need.

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13 Of course, these four points only go to partial  
14 satisfaction of the first two of the four Goal 2  
15 exceptions criteria.

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16 The county says the 200 forest service employes are  
17 required to live elsewhere for a lack of housing. Perhaps  
18 if the county had shown a need for the forest service  
19 personnel to live within the area, an exception might be  
20 granted for housing for those employes.

19  
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20 We have the same objection to the claim that the  
21 population growth cannot be included within committed  
22 lands as we do in the other cases. We cannot tell firstly  
23 whether the committed lands are, in fact, committed, and  
24 even if we accept the proposition that claimed committed  
25 lands are committed, we do not understand the housing mix  
26 and density that the county has used to conclude that  
27 committed lands will not satisfy housing needs.



## STATE OF OREGON

## INTEROFFICE MEMO

TO: MEMBERS OF THE LAND CONSERVATION AND DEVELOPMENT COMMISSION      DATE: 9/4/81

FROM: THE LAND USE BOARD OF APPEALS

SUBJECT: 1000 FRIENDS OF OREGON V. DOUGLAS COUNTY  
LUBA NO. 81-014

Enclosed for your review is the Board's proposed opinion and final order in the above captioned appeal.

This case is the companion to LUBA No. 81-011. In this case, petitioner has challenged Douglas County's exception to Goals 3 and 4 for specific sites in the county. Additionally, the petitioner has challenged two sites that the county decided were not subject to Goals 3 and 4 because of soil conditions, topography and other factors.

Our opinion upholds the petitioner's challenge as to the two "non-exceptions" sites. We agree with petitioner that the county failed to show that the two sites were not subject to Goals 3 and 4. Our complaint with the county's decision is that the findings in support of the decision lack specific information regarding the property from which the county could conclude that Goals 3 and 4 were not applicable.

The second assignment of error challenges the county's exception to specific areas claimed by the county to be needed for (primarily) rural residential use. Our opinion, in large part, finds fault with the county's exception on the ground that the county failed to show a specific "need" for the resource property taken for nonresource use. In addition, we found the county did not explain with sufficient detail why other nonresource lands might not be available to accommodate whatever "need" the county found to exist.

In short, we view this case to be a "findings case." However, underlying our opinion and our view that the county failed to show by "compelling reasons and facts" that resource land was needed for an exception and that resource land was the only land available to serve the need. It is our view that a generalized population need in a county may not be translated into a need to except lands from the protection of Goals 3 and 4. In other words, specific need must be shown for each property proposed for exception.

The Board is of the opinion that oral argument would not assist the commission in its understanding or review of the statewide goal issues involved in this appeal. Therefore, the Board recommends that oral argument before the commission not be allowed.



Contains  
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Materials

1                           BEFORE THE LAND USE BOARD OF APPEALS  
2                           OF THE STATE OF OREGON

3 1000 FRIENDS OF OREGON, the       )  
4 assumed name of Oregon Land       )  
5 Use Project, Inc., an Oregon       )  
6 nonprofit corporation,            )

7                   Petitioner,        )

                                  LUBA NO. 81-014

8                   v.                    )

9 DOUGLAS COUNTY BOARD OF        )  
10 COMMISSIONERS,                 )

                                  PROPOSED OPINION  
                                  AND ORDER

11                   Respondent.        )

12           Appeal from Douglas County.

13           Mark Greenfield, Portland, filed a brief and argued the  
14 cause for Petitioner. With him on the brief was Ellen E.  
15 Johnson.

16           Edward J. Sullivan, Portland, filed a brief and argued the  
17 cause for Respondent.

18           Bagg, Referee; Reynolds, Chief Referee; participated in the  
19 decision, with Cox, Referee concurring.

20           Remanded

                                  9/04/81

21           You are entitled to judicial review of this Order.  
22 Judicial review is governed by the provisions of Oregon Laws  
23 1979, ch 772, sec 6(a).  
24  
25  
26

BEFORE THE  
LAND CONSERVATION AND DEVELOPMENT COMMISSION  
OF THE STATE OF OREGON

1000 FRIENDS OF OREGON,	)	
	)	
Petitioner(s),	)	
	)	
v.	)	LUBA 81-014
	)	LCDC Determination
DOUGLAS COUNTY,	)	
	)	
Respondent.	)	

The Land Conservation and Development Commission hereby approves the recommendation of the Land Use Board of Appeals in LUBA 81-014 with the following modifications:

1. Page 5: Delete lines 21-24 and the portion of line 25 through "Also."
2. Page 5: Capitalize the word "we" on line 25.
3. Page 5, lines 21-24:

"In addition to defining "forest land," Goal 4 requires that "lands suitable for forest uses shall be inventoried and designated as forest lands."

4. On page 13, at line 20, remove the remainder of the paragraph following the word "criteria" from the text and add it as a footnote (Footnote 7). In place of the deleted text, add the following language (taken verbatim from the approved Benton County staff report), beginning a new paragraph:

In order to allow residential development outside an urban growth boundary, it must be determined that the rural resource land location of the proposed residential development is necessary to satisfy the housing needs generated by the location of rural industrial, commercial or other economic activities in this area.

It is commercial, industrial or other economic activities which result in employment opportunities that create the 'need' for housing in rural locations. Thus 'need' cannot be based solely on market demand for housing, arbitrary assumptions about urban/rural allocations of population or even housing types and cost characteristics. The 'need' must be a consequence of commercial, industrial or economic activities which themselves require a rural location. 'Need' is the effect part of a causal relationship. The County must show why, based on the economic analysis in the plan, there is a need for the type and density of housing planned which requires this particular location on resource lands.

5. On page 14, after the word "uses" on line 4, add the following language (again taken verbatim from the Benton County staff report (pp. 14-15):

The alternative sites criteria is inextricably related to the question under need as to why this rural resource land location is necessary to satisfy the identified need. In order to show why the particular site is needed, it is necessary to discuss why other sites cannot satisfy the need. Under the alternative sites criteria the appropriate issues to address are:

1. Can this identified need be met within the urban growth boundary, by amending the urban growth boundary or by increasing density inside the urban growth boundary? If not, why not?
2. Can this identified need be met by using non-resource lands outside the urban growth boundary? If not, why, not?
3. Can this identified need be met by using committed land outside the urban growth boundary, land in existing rural centers or by increasing density on committed lands? If not, why not?

Thus the standards with respect to alternative sites are as follows:

1. The identified housing need must be satisfied by land within the urban growth boundary, or by amending the urban growth boundary or increasing densities within it if the urban growth boundary is close enough to the economic activity creating the housing need to make location of housing inside the urban growth boundary reasonable.
2. If the identified housing need can be met by using non-resource lands, such lands must be used.
3. If the identified housing need can be met by using committed lands outside the urban growth boundary, land in existing rural centers or if it is feasible to meet the need by increasing densities on committed lands, or in rural centers these lands must be used.

Then begin a new paragraph beginning with the word "Respondent" on page 14, line 5.

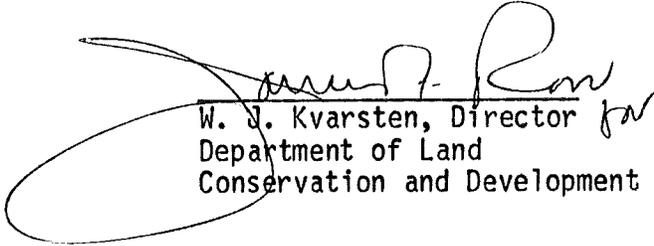
6. On page 14, at line 18, delete "on balance" and delete lines 19-25.
  
7. The paragraph at page 17, line 18 to page 18, line 4 should be deleted because it is not consistent with Commission policy. Commission policy has not limited "need" exceptions taken as part of the overall planning process to uses that must be accommodated now or right away. "Need" exceptions may provide for uses determined to be needed over the time frame of the plan, usually 15-20 years. The Commission has recognized that information adequate to justify a Goal exception and the state-of-the-art in economic planning (often a fundamental part of justifying a "need" exception) is usually limited to a five to ten year time frame (Issue 1, Appendix D, CREST review). It is the information constraint, not LCDC policy that may have the effect of limiting exceptions to uses expected to be needed in the foreseeable future. But even information constraints allow planning for uses needed beyond "now." Indeed, that is the point of planning.
  
8. On page 17, after the word "nonresource" on line 4, insert "or committed." Also, on line 14, after the word "nonresource," insert "or committed."

9. Page 22, line 21: change "agree" to "agreed", and delete "Goal 10 requires that" and "be located", and add "were needed" after the word "housing"
  
10. On page 28, at line 13, change "is not needed for a resource use" to "is needed for a nonresource use". LUBA's language misapplies the test for an exception.
  
11. On page 29, at line 4, LUBA expressed curiosity as to why a 72-acre parcel was not included in Roseburg's urban growth boundary and designated "for fairly large lot sizes as opposed to being developed for rural residential housing." LUBA's reference to "fairly large lot sizes" is vague. LUBA does not explain what it means by this reference or why the property should not be developed at urban level densities. LUBA does not consider whether additional land is even needed inside Roseburg's urban growth boundary to accommodate population growth in the area. The sentence is confusing.

12. On page 29, at lines 13-14, change "the assumptions that nearby cities cannot meet facilities and services necessary to accommodate growth" to "the assumptions that nearby cities cannot provide facilities and services necessary to accommodate growth".1

DATED THIS 30<sup>th</sup> DAY OF September, 1981.

FOR THE COMMISSION:



W. J. Kvarsten, Director  
Department of Land  
Conservation and Development

WJK:ER:af  
6768A/9B