

AGENDA

City of Aurora
PLANNING COMMISSION MEETING
Tuesday, January 07, 2014, 7:00 p.m.
Council Chambers
21420 Main Street N.E., Aurora, Oregon

1. **Call to Order of Planning Commission Meeting:**
2. **City Recorder Calls Roll**

Chairman, Schaefer
Commissioner, Willman,
Commissioner, Gibson
Commissioner, Graham,
Commissioner, Fawcett,
Commissioner, Weidman
Commissioner, TBA

3. **Consent Agenda**

All matters listed within the Consent Agenda have been distributed to each member of the Aurora Planning Commission for reading and study, are considered to be routine, and will be enacted by one motion of the Commission with no separate discussion. If separate discussion is desired, that item may be removed from the consent Agenda and placed on the Regular Agenda by request.

Minutes

- I. Aurora Planning Commission Meeting –December 03, 2013
- II. City Council Minutes – November, 2013
- III. Historic Review Board Minutes –

Correspondence

- I. **Flyer regarding SEDCOR Meeting and Event.**

4. **Visitor**

Anyone wishing to address the Planning Commission concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the Council could look into the matter and provide some response in the future.

5. **New Business**

- A. **Discussion on Site Selection and the Woodburn Urban Growth Boundary"**
- B. **Discussion and or Action on the Possible or Impending Legalization of Recreational sale of Marijuana as it could pertain to our code.**

6. Old Business

A. Discussion and or Action on View Corridor's

7. Commission Action/Discussion

A. City Planning Activity (not in Your Packets) Status of Development Projects within the City.

8. Adjourn,

Minutes

Aurora Planning Commission Meeting
Tuesday, December 03, 2013 at 7:00 P.M.
Aurora Commons Room, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder
Renata Wakeley, City Planner

STAFF ABSENT:

VISITORS PRESENT: Kris Sallee, Aurora City Council Liaison

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Joseph Schaefer at 7:05 p.m.

2. City Recorder Did Roll Call

Chairman, Schaefer -	Present
Commissioner, Willman	Absent
Commissioner, Gibson	Present
Commissioner, Graham	Absent
Commissioner, Fawcett	Present
Commissioner, Wiedman	Present

3. Consent Agenda

Minutes

- I.** Aurora Planning Commission Meeting –November 5, 2013
- II.** City Council Minutes – October, 2013
- III.** Historic Review Board Minutes –

No comments....

A motion is made by Commissioner Gibson to approve the consent agenda as presented and seconded by Commissioner Fawcett. Motion Approved.

Correspondence

I. **Email Information on Comprehensive Plan Amendments,** (Schaeffer) very exciting news that they are now accepting emails for map amendments.

4. Visitor

Anyone wishing to address the Planning Commission concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the Planning Commission could look into the matter and provide some response in the future.

Mayor Graupp, informed the Planning Commission that we are now officially a Local Certified Government. This will open up many different grant opportunities.

A brief discussion regarding the possibility of recreational sale of Marijuana I believe that you may want to discuss this at your January meeting. We want to be prepared for what could be happening in and around the State. City Planner Wakeley states that she herself will be attending training on this very issue specifically pertaining to code language.

5. New Business

A. Discussion and or Action on Language for Parking Standards and Accessory Structures. Recently during an application for a replacement manufactured home on a private lot that raised this question. I will turn it over to City Planner Wakeley, so currently under your current code in your R1 and R2 zone it requires a carport or garage included. This particular manufactured home predates that but my conversation with the builder was that the code does in fact require it now and that it would have to match the primary structure however it was nagging at me that I had missed something so I did some more research. I did find the section of the code that states it must match the primary structure however it was not in the spot that it should have been and easy to find. The two sections of the code that I included for you tonight are 16.12.040 letter

I. Impervious surfaces shall not cover more than sixty (60) percent of the lot or parcel.

J. Parking requirements shall be in accordance with Chapter 16.42. Parking requirements for residential units, including manufactured homes, require the construction of a garage or carport. Manufactured dwellings located in manufactured dwelling parks are required to install either a garage or carport.

K. Landscaping requirements shall be in accordance with Chapter 16.38.

L. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not limited to, structural facade, yard and landscaping that are immediately adjacent to and visible from Highway 99 or Ehlen Road.

M. Additional requirements shall include any applicable section of this title.

16:13:040

B. Design standards

1. Maximum height for an accessory building shall be eighteen (18) feet or seventy-five (75) percent of the height of the principal building, whichever is greater. Accessory dwelling units constructed above accessory buildings shall not exceed the height of the principal structure.

2. The maximum square footage for an accessory building shall be five hundred (500) square feet in the R-2 zone and seven hundred (700) square feet in the R-1 zone, except the maximum square footage for an accessory building on a lot or parcel greater than fifteen thousand (15,000) square feet shall be one thousand (1,000) square feet. Accessory buildings size may be interpolated between seven hundred and fifty (750) square feet and one thousand (1,000) square feet when lot size is between seventy five hundred (7,500) and fifteen thousand (15,000) square feet.

3. Only one accessory building exceeding two hundred (200) square feet is allowed per lot. no more than two accessory buildings two hundred (200) square feet or less permitted.

4. Accessory buildings greater than two hundred (200) square feet shall utilize at least two of the following design features to provide visual relief along the street frontage:

- a. Dormers;
- b. Recessed entries;
- c. Cupolas;
- d. Bay or bow windows;
- e. Gables;
- f. Covered porch entries;
- g. Pillars or posts;
- h. Eaves (minimum six inches projection); or
- i. Off-sets on building face or roof (minimum sixteen (16) inches).

C. Accessory buildings must meet the following standards:

1. Accessory buildings two hundred (200) square feet or less shall not exceed a height of ten (10) feet as measured from the finished floor level, to the average height of the roof surface. All setback requirements applicable to the base residential zone shall apply to accessory buildings, except for accessory buildings two hundred (200) square feet or less may be setback five (5) feet from rear or side lot lines.

2. A five (5) foot minimum separation is required between a principal building and each accessory building.

3. Accessory buildings greater than two hundred (200) square feet must have exterior finish material that is the same as or a visual match in type, size and placement of, the exterior finish material of the existing dwelling unit or manufactured home.

4. Accessory buildings greater than two hundred (200) square feet shall have a minimum nominal roof pitch of at least three (3) feet in height for each twelve (12) feet in width, as measured from the ridge line.

5. Structures connected to the principal building by a breezeway are accessory buildings unless the breezeway is enclosed and contains architectural elements such as windows, doors, trim, and roof lines compatible with the principal building. Breezeways shall be subject to building code requirements.

D. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not limited to, structural facade, yard and landscaping, and accessory buildings that are immediately adjacent to and visible from Highway 99 or Ehlen Road.

(Ord. 462 § 1, 2011; Ord. 455 § 8, 2010)

So the reason I brought it to Joseph was

1. To amend the code so it was easier to locate that section
2. Do you want to keep it a requirement for garages and or carports?
3. Do we want to keep the code to state that they must match?

Is anyone aware of a recently built home without a garage? Often times new construction loans require a garage or carport.

Wakeley also in section 16:36 Manufacture Homes, it states you must have one as well.

Commissioner Weidman, what would be the reason to require a garage or carport? (Schaefer) I would say mostly to keep clutter and items in it.

(Wakeley) Often times if you don't have a garage then you will see more accessory structures being built and you are only allowed two.

Commissioner Gibson, we keep our car in our garage. I see the banks point of view on resale to require it.

Chair Schaeffer I think what we're saying is leave it alone but possibly just move the information into a section that makes more sense. (Wakeley it would be my recommendation)

B. Discussion and or Action on Housing Standards per Housing Authority,

Planners were contacted and I checked the city code to see if we are in compliance. I think it could have been a Scribner's error since this is allowed in R1 it should have included R2. If you allow multiple family housing then you must as well allow home health care in that section as well. Your definitions match as what is stated in ORS 443.

PG 4 of the handout. (Definition)

Licensed residential facilities (see above Definitions of Special Residences--your code may have a different name for this use) must be a permitted use in any zone where multifamily housing is a permitted use [ORS 197.667] and licensed residential facilities must be a permitted or conditional use in any zone where multifamily housing is a conditional use. [ORS 197.667]

- Your code must not impose use restrictions on residential facilities that are not imposed on multifamily housing.
- Your code must not impose notice criteria on residential facilities that are not required for multifamily housing.
- Your code must not impose restrictions or standards on residential facilities based on the degree to which the residents are disabled.
- Your code must not impose design requirements on residential facilities that it does not impose on other multifamily housing.
- Your code must not impose siting criteria (e.g., no residential facilities within 1000 feet of each other) that it does not impose on other multifamily housing. Note: This may be permissible if there is a current and real concern that residential facilities are segregated in a certain area, separate from the general population AND there is no other way to achieve integration.
- Your code must not impose impact or permit fees on residential facilities that it does not impose on other multifamily housing.

So my (Wakeley) recommendation here is that as you currently allow residential care facility is in R1 zone I am saying to allow it also in R2 zone.

City Recorder Richardson reads ORS 197.667 as below,

1.A residential facility shall be a permitted use in any zone where multifamily residential uses are a permitted use.

(2) A residential facility shall be a conditional use in any zone where multifamily residential uses are a conditional use.

(3) A city or county may allow a residential facility in a residential zone other than those zones described in subsections (1) and (2) of this section, including a zone where a single-family dwelling is allowed.

(4) A city or county may require an applicant proposing to site a residential facility within its jurisdiction to supply the city or county with a copy of the entire application and supporting documentation for state licensing of the facility, except for information which is exempt from public disclosure under ORS [192.410 \(Definitions for ORS 192.410 to 192.505\)](#) to [192.505 \(Exempt and nonexempt public record to be separated\)](#). However, cities and counties shall not require independent proof of the same conditions that have been required by the Department of Human Services under ORS [418.205 \(Definitions for ORS 418.205 to 418.310 and 418.992 to 418.998\)](#) to [418.327 \(Licensing of certain schools and organizations offering residential programs\)](#) for licensing of a residential facility. [1989 c.564 §5; 1991 c.801 §8; 2001 c.900 §48; 2003 c.86 §15]

Any questions or comments? There is a brief discussion on size that would be allowed and if there would be any conditions that would accompany that.

Wakeley, I am not sure when the city last did an Urban Growth Boundary expansion but that would be the time to look at your current zones and infill.

6. Old Business

A. Discussion and or Action on View Corridor's, Chair Schaefer I would like to see the city's Franchise agreements before we move forward with any more discussion on this topic for the next meeting.

B. Discussion and or Action on Traffic Impact Per Business Use/Change pg 323 Our discussion has been on what the trigger should be set at and raising it to 25% rather than the current 10% along with that also the 30 trips a day before site review is required.

Ok no discussion we will leave it on as drafted.

C. Discussion and or Action on Proposed Text Amendment for Food Carts Associated with Existing Food Businesses, chapter 16.22.40 second page of handout,

16:22:40

Proposed added text for discussion,

C. Accessory, mobile food units (food and beverage carts) located on the same property and accessory to an established eating and drinking establishment.

1. No structures, product display, or storage shall be located within yard setback or buffering and screening areas.
2. Outdoor seating, subject to 16.34.060.D.
3. Drive-through units are prohibited.
4. Conditional use review and approval (PC to approve design standards?) and business permit required
5. Units shall not occupy parking needed to meet AMC section 16.54.
Units shall be on a paved surface and meet requirements of AMC section?
6. Signage shall comply with AMC section and shall be calculated as a portion of total signage as permitted for the site.
7. Unit and pedestrian queuing shall provide at least 5 feet of separation from parking areas, vehicle and pedestrian access drives/pathways, and fire lane for the primary on site business.
8. Shall be limited to one accessory unit per site/primary business.

9. The following health and sanitation standards shall apply:

1. Applicants shall provide wastewater/graywater disposal documentation that indicates how the outputs will be stored (if applicable) and what wastewater/graywater disposal method will be used. The documentation shall indicate a proper disposal method that ensures fats, oils and grease do not enter the City's wastewater infrastructure. Non-stormwater discharges to the City's stormwater system are prohibited.
2. Carts shall ensure the availability of a restroom with hand washing facilities for employees and customers on site. Applicants shall provide the City with documentation that restrooms are available.
3. If the applicant intends to contract with a third party for wastewater/graywater disposal, a copy of the contract must be provided to the City within 30 days of receiving a permit.
4. The City may require the food or beverage service operator to provide proof of payment or other documentation that wastewater and graywater are being disposed of properly.

The applicant shall provide an estimate of the parking demand on the site and provide information about how parking demand will be accommodated, such as through off-street parking or on-street parking on adjacent blocks. That analysis shall consider parking needs of other uses on the site. Off-street parking may be required by the Planning Commission if the applicant cannot demonstrate adequate parking is available to meet demand or it has been determined that a renewing unit has experienced parking or related traffic issues on the site or on adjacent blocks.

Design standards?

Food and Beverage Carts that require a development permit shall only conduct business from a mobile unit that can be pulled or pushed down a street or highway, such as a trailer. Cart business cannot be conducted in a mobile unit that is self-propelled, such as trucks or recreational vehicles. Vehicles designed to be self-propelled that have had the engines removed shall still be considered self-propelled and shall not be used as Food and Beverage Carts that require a development permit.

Mobile units shall not have any internal floor space available to customers.

Food and Beverage Carts mobile units shall not exceed 26 feet in length.

Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on sites shall comply with Building Code anchoring and engineering standards and Fire Code standards.

Alcohol sales?

Length of time? Year round? Hours same as on site business or more restrictive?

Discussion goes on to say adding section

16.22.050 Open inventory display.

16.14.050 Open inventory display.

A. All business, service, repair, processing, storage or merchandise displays shall be conducted wholly within an enclosed building except for the following:

1. Off-street parking or loading;
2. Displays for resale purposes of small merchandise which shall be removed to the interior of the business after business hours;
3. Display, for resale purposes, of live trees, shrubs and other plants.
4. Outdoor seating in relation to permitted eating or drinking establishment subject to 16.34.060.D.

B. All open inventory displays shall be maintained, kept clean, and be situated in conformance with all applicable city ordinances. (Ord. 464, 2011; Ord. 415 § 7.60.050, 2002)

Points of discussion were,

- Not really any changes proposed on the first page
- 2nd page eating and drinking establishments are permitted outright however we are proposing food carts as conditional use.
- So under C the second page is all the new language that I (Schaefer) have proposed for discussion tonight.
- I ask that you ignore the numbering for now it will likely be different in the final draft.
- Item 5 we may need to reword this. Often times the Department of Health regulates this however we want the city to address it as well.
- There is a brief discussion on whether or not 26 feet is too long and through that it is determined to keep it at 26 feet.
- Some of the language used excluded drivable carts and I took that out.
- A skirt would be allowed to cover the tires.
- Design review has not been addressed as of yet.
- Discussion last month was that it was better suited for the downtown HRB district commercial area.
- Mayor Graupp, what about the painting and signage on the cart itself, it has been discussed that if the primary business has used their allotted signage then the cart cannot have a signage.
- Time and hours of operation, no restrictions on hours or on season.
- Alcohols permitted or not keep it to beer and wine was the discussed outcome and no walking around with it must be in the same area of food cart.
- Should we require insurance? No
- Pavement or Pad will not be a requirement.
- Are they allowed to take up parking spaces, yes however it cannot be along 99E
- Property site should be the same site as the primary business or not. Discussion is that it would need to be adjacent/contiguous to or on same site as primary business.
- There is a brief discussion on signage and what would or would not be allowed and how many signs are allowed or not.
- Delete the word yard.

/ / / / / / / /

/ / / / / / / /

/ / / / / / / /

/ / / / / / / /

/ / / / / / / /

We will be moving forward with the first hearing in February and go before Council in March.

7. Commission Action/Discussion

A. City Planning Activity (in Your Packets)
Status of Development Projects within the City.

- City Planner Wakeley had no discussion items in addition to what has been previously discussed.

8. Adjourn

Chairman Schaefer adjourned the meeting at 8:34 pm

Chairman, Schaefer

ATTEST:

Kelly Richardson, City Recorder

SEDCOR
ECONOMIC BUSINESS
FORUM

Wednesday, January 8, 2014
Broadway Commons
1300 Broadway Street NE
12 Noon - 1:30 pm

Sponsored By:



To Register:

[Click Here
www.sedcor.com](http://www.sedcor.com)

**Prepayment
Required:**

**\$ 18.00
Members**

**\$22.00
Non Members**

**Please note:
Forum Lunch**

**A Look at Oregon's
Transportation Future**



Speaker: Karmen Fore, Sustainable Communities & Transportation Policy Advisor to Oregon Governor John Kitzhaber

Transporting goods to market is a critical factor in the success of Marion and Polk County businesses—particularly those in the traded sector. During our January Economic Business Forum we'll hear from Karmen Fore, Transportation Advisor to Governor John

price increases beginning 2014

Kitzhaber. Fore will discuss Oregon's transportation future-from building the Columbia River Crossing to funding our system's priorities-and how it will drive economic development across the state. She will focus her remarks on the CRC project and a look ahead to the 2015 legislative session. This is an excellent opportunity to learn what's ahead and to share your thoughts on transportation with an advisor to the governor. Ms. Fore will be joined by Kris Strickler, CRC Project Director.

About our speaker

Karmen Fore is the Sustainable Communities & Transportation Policy Advisor to Oregon Governor John Kitzhaber. She previously served as deputy chief of staff to Congressman Peter DeFazio and professional staff to the House Transportation & Infrastructure Committee in the U.S. Congress. She also previously served as the congressman's district director.

Ms. Fore has worked for the Oregon Department of Administrative Services as the communications and legislative coordinator, and at the Oregon Commission on Children and Families as the communications and policy analyst.

She has extensive campaign experience, having worked on numerous statewide coordinated campaigns. She worked for Rep. DeFazio as his campaign manager from 1994-1998, and as field director on Governor John Kitzhaber's gubernatorial campaign in 1998.

She has served on several boards including the Oregon Student Foundation; the University of Oregon's Alumni Association Board of Directors, the UO Planning, Public Policy, and Management Advisory Council; and the Southwest Oregon Planned Parenthood PAC board. She currently serves on the EmergeOregon Board of Directors.

Ms. Fore attended the University of Oregon and earned a Master of Arts degree in Public Affairs in addition to a Bachelor of Arts degree in Political Science, with a minor in Planning, Public Policy, and Management.

Pre Registration Required:

[Click here to Register](#)

or call (503) 588-6225



FILED: January 2, 2014

IN THE COURT OF APPEALS OF THE STATE OF OREGON

1000 FRIENDS OF OREGON,
FRIENDS OF MARION COUNTY, LOLITA CARL,
KATHLEEN CARL, DIANE MIKKELSON,
and MARION COUNTY FARM BUREAU,
Petitioners,

v.

LAND CONSERVATION AND DEVELOPMENT COMMISSION;
CITY OF WOODBURN; and MARION COUNTY,
Respondents.

Land Conservation and Development Commission
11WKTASK001802

A148592

Argued and submitted on March 15, 2013.

Mary Kyle McCurdy argued the cause and filed the briefs for petitioners.

Patrick M. Ebbett, Senior Assistant Attorney General, argued the cause for respondent Land Conservation and Development Commission. With him on the brief were John R. Kroger, Attorney General, and Anna M. Joyce, Solicitor General.

N. Robert Shields argued the cause for respondent City of Woodburn. With him on the joint brief was Gloria M. Roy for respondent Marion County.

Before Armstrong, Presiding Judge, and Nakamoto, Judge, and Egan, Judge.

ARMSTRONG, P. J.

Reversed and remanded for reconsideration.

1 ARMSTRONG, P. J.

2 Under Oregon's land use laws, local governments may (and, in some cases,
3 must) engage in periodic review of their comprehensive land use plans. *See* ORS
4 197.628 to 197.636. As a result of a periodic-review process, the City of Woodburn
5 amended its urban growth boundary (UGB) to include additional land--409 gross acres or
6 about 362 net buildable acres--for industrial use. The city submitted that amendment to
7 the Land Conservation and Development Commission (LCDC) for review. ORS
8 197.626(1)(b). LCDC approved the city's amendment of its UGB. Petitioners sought
9 judicial review of LCDC's order of approval. We concluded that LCDC's order was
10 inadequate for judicial review and, accordingly, reversed the order and remanded the case
11 to LCDC for reconsideration. *1000 Friends of Oregon v. LCDC*, 237 Or App 213, 239
12 P3d 272 (2010) (*Woodburn I*). LCDC has now completed that reconsideration and issued
13 a new order approving the city's UGB expansion.

14 Petitioners again seek judicial review.¹ Petitioners challenge two aspects of
15 LCDC's order: its approval of the amount of industrial land in the UGB amendment and
16 its approval of the inclusion of particular high-value farmland within the UGB as
17 industrial land. Petitioners contend that the city included more industrial land within its
18 UGB than will be developed within the 20-year planning period and that LCDC did not

¹ In the initial judicial review proceeding in this court, the petitioners were 1000 Friends of Oregon, Friends of Marion County, Lolita Carl, Kathleen Carl, Diane Mikkelson, Carla Mikkelson, and Marion County Farm Bureau. In this judicial review proceeding, the petitioners are the same except that Carla Mikkelson does not appear.

1 adequately explain why that inclusion is consistent with Statewide Land Use Planning
2 Goals 9 and 14 and other rules. Alternatively, petitioners challenge the city's inclusion
3 within the UGB of high-value farm land, which by law has the lowest priority for
4 urbanization. Petitioners assert that, by approving the inclusion of that land, LCDC made
5 a decision that erroneously interpreted the law and is not supported by substantial
6 evidence. Because we conclude that LCDC again did not adequately explain why the
7 city's expansion of its UGB to include an additional 409 acres for industrial use is
8 consistent with pertinent law, we reverse the order and remand for reconsideration.
9 Accordingly, we do not reach the second issue--*viz.*, the inclusion of high-value farmland
10 within the city's UGB.

11 In the late 1990s, the city began the periodic-review process to update its
12 comprehensive plan and other planning documents. As part of that periodic-review
13 process, the city completed various work tasks and, as relevant here, decided in 2005 to
14 expand its UGB to include 409 gross acres for industrial uses. To support the need for
15 that expansion, the city relied on work performed at its direction by consultant
16 ECONorthwest. That work included an economic-opportunities analysis (EOA)--*see*
17 OAR 660-009-0015 (requiring cities with areas within the UGB to perform an economic-
18 opportunities analysis comparing the demand for land for industrial and other
19 employment uses to the existing supply of such land); an economic development
20 strategy--*see* OAR 660-009-0020 (requiring cities with areas within the UGB to adopt
21 policy stating the economic-development objectives for the planning area, based on the

1 economic-opportunities analysis required by OAR 660-009-0015); and a site-
2 requirements analysis.²

3 The city justified the number of acres of industrial land that it added to its
4 UGB using a "target-industries" approach developed through the work of ECONorthwest.
5 Put simply, the target-industries approach considers a local government's employment-
6 growth projections and goals for employment, and establishes a framework for attracting
7 the kind of employers that could reasonably be expected to support the kind and amount
8 of employment growth to which the local government aspires. Given the site needs of
9 those particular employers, the local government identifies potentially available land both
10 within and outside its UGB and selects a group of sites and an amount of land that it
11 believes will accommodate the employers that it seeks to attract. The target-industries
12 approach differs from an "employees-per-acre" approach, under which a local
13 government simply projects employment growth and divides that growth by a statistically
14 accepted number of employees per acre of land in order to arrive at the number of acres
15 needed to support employment growth.

16 In the target-industries approach developed here, the city aimed to promote
17 economic growth by pursuing development that would create higher-paying jobs to
18 attract new residents who would both live and work in Woodburn. To facilitate that goal,
19 the city identified high-wage target industries that it believed might locate in Woodburn

² The pertinent Oregon Administrative Rules in this case are those that were in effect when the city amended its UGB on November 2, 2005. Accordingly, all references to the OARs in this opinion are to the rules in effect on that date.

1 because of its location on I-5 between Portland and Salem. The city then identified the
2 site and building requirements and preferences of the targeted industries. The city also
3 adopted an employment-growth forecast. In light of academic and federal population
4 estimates and forecasts, the city predicted a 20-year employment-growth rate of 3
5 percent, leading to a projected increase of 8,374 jobs. Ultimately, the city determined
6 that, to further its economic-development strategy and accommodate the volume of job
7 growth that it projected, it needed 42 total industrial sites, 23 of which were available on
8 land within the existing UGB and 19 of which it decided to provide by expanding its
9 UGB into its Southwest Industrial Reserve (SWIR).

10 In the Woodburn UGB Justification Report, to which LCDC referred in its
11 original order and its order on remand, the city explained the reasons that it needed the
12 additional sites:

13 "Goal 14, Land Need factor (2), recognizes that changes to a UGB may be
14 based on demonstrated need for employment opportunities.

15 "* * * * *

16 "The employment land needs analysis in ECONorthwest's 'Site
17 Requirements for Woodburn Target Industries' (October 2003) concluded
18 that about 370 acres would need to be developed for basic employment uses
19 to accommodate a mid-range need of 7,140 new employees between 2000
20 and 2020, based on employee-per-acre ratios. However, *to attract targeted*
21 *industries[,] Woodburn must provide choice among and an adequate*
22 *inventory of suitable sites. Under the site suitability method, it is possible*
23 *that some sites may not fully develop during the planning period, either*
24 *because a portion of the site will be held for future development or because*
25 *a reserved site will not be selected by a targeted industry. * * * [T]he*
26 *proposed Plan includes measures to ensure that * * * such parcels cannot be*
27 *re-designated for commercial use.*

1 "Woodburn's employment land needs are designed to meet ORS 197.712
2 and the Goal 9 Rule (OAR Chapter 660, Division 009) requirements that
3 cities 'identify the types of sites that are likely to be needed by industrial
4 and commercial uses which might expand or locate in the planning area.'
5 To be clear, industrial site needs are not based on floor-area ratios or
6 employee per acre ratios."

7 (First and third emphasis in original; second emphasis added; footnotes omitted.)

8 Petitioners objected to the UGB amendment, and LCDC considered those
9 objections. Petitioners contended, among other things, that the city had included more
10 industrial land within its amended boundary than was needed to accommodate projected
11 industrial job growth or the needs of its target industries and, accordingly, more industrial
12 land than the city expected to develop over the 20-year planning period, in violation of
13 Goal 9, the land use planning goal that addresses economic development. *Woodburn I*,
14 237 Or App at 222. Petitioners further argued that the city's target-industries approach
15 "inflate[d]" the number of acres that needed to be included within the UGB to
16 accommodate industrial job growth and did not address the demonstrated need for any
17 additional industrial land to be included in the proposed UGB expansion as required by
18 Goal 14, the land use planning goal that addresses urbanization. *Id.*

19 LCDC approved the city's expansion of its UGB. LCDC reasoned as
20 follows in rejecting petitioners' objections:

21 "[The city's UGB Justification Report] identif[ied] the total number of sites
22 required for all the site size needs, and [found] 42 total sites needed for all
23 targeted industries. According to 1000 Friends, this is an oversupply of
24 sites that leads to more land than is justified. *However, the city has*
25 *designated these sites* to provide for the required short-term supply as well
26 *as to provide market choice among sites. The Commission finds that this is*
27 *a key component of a successful industrial development strategy, and is*

1 *required by OAR 660-009-0025.* In addition, the objection states that the
2 city acknowledges that 'not all of the industrial land proposed for inclusion
3 is expected to develop by 2020.' This is due to the fact that industrial users
4 often choose to purchase a site larger than their immediate need in order to
5 ensure that they have adequate land for future expansion, and the statement
6 referred to by the objector is recognition of that fact. Additionally, OAR
7 660-009-[0]025(2) specifies that plans must designate serviceable land
8 suitable to meet the site needs identified in Section (1) of this rule. Except
9 as provided for in Section (5) of this rule, the total acreage of land
10 designated must at least equal the total projected land needs for each
11 industrial or other employment use category identified in the plan during
12 the 20-year planning period.

13 " * * * * *

14 "In conclusion, the Commission finds that Woodburn's plans for
15 economic development comply with the Goal 9 and Goal 14 rules. The
16 city's employment projection and land needs assessment are reasonable, for
17 the reasons explained in these findings and more particularly described in
18 the Woodburn UGB Justification Report."

19 *Woodburn I*, 237 Or App at 222-23 (internal quotation marks omitted; some bracketed
20 material added; emphasis in *Woodburn I*). Petitioners sought judicial review of LCDC's
21 approval of the city's UGB amendments. As we characterized petitioners' arguments in
22 our original opinion, they contended that the city had included more land in the UGB
23 than it would need during the 20-year planning period in violation of Goals 9 and 14, and
24 that LCDC's justification for affirming that inclusion--*i.e.*, that the inclusion is required
25 by OAR 660-009-0025 to provide market choice among sites--is not allowed under Goals
26 9 or 14. *Id.* at 223-24.

27 We concluded that LCDC's order did not provide an adequate basis for us
28 to review petitioners' contentions. We noted that, "although LCDC discusse[d] Goal 9
29 and its implementing rules and conclude[d] that the UGB amendment complies with both

1 Goals 9 and 14, LCDC provided essentially no reasoning as to that conclusion with
2 respect to Goal 14. In particular, LCDC offered no explanation concerning the reasons
3 that the need factors of Goal 14 are satisfied under the circumstances of this case." *Id.* at
4 223.

5 With respect to Goal 9, we stated that LCDC's "mere reference to 'market
6 choice' [was] insufficient to explain the reason that the city's UGB expansion is consistent
7 with that goal." *Id.* at 225. We acknowledged that LCDC might have been correct that
8 some forms of "market choice" would be consistent with Goal 9, but rejected the
9 proposition that *all* "forms and degrees" of market choice would be. *Id.* We concluded
10 that, "given the variety of the industries that the city targeted and the diversity and
11 multiplicity of the sites that the city designated, it [was] incumbent on LCDC to cogently
12 explain the reasons that the degree of market choice employed by the city * * * is
13 consistent with the requirements of Goal 9 and OAR 660-009-0025." *Id.* at 226.

14 With respect to Goal 14, we observed that "a local government is not
15 permitted to establish [a UGB] containing more land than the locality needs for future
16 growth." *Id.* (internal quotation marks omitted). We noted that LCDC had provided only
17 a summary conclusion that the city's UGB amendment was consistent with Goal 14;
18 LCDC had not referred to or explained how the city had satisfied the Goal 14 need
19 factors. *Id.* We concluded that LCDC's treatment was insufficient to explain why
20 including more land than was expected to be developed during the planning period was
21 consistent with Goal 14. *Id.*

1 In addition, we noted that compliance with Goal 9 does not necessarily
2 establish compliance with Goal 14. *Id.* Accordingly, and because petitioners had
3 asserted that the UGB amendment violated both goals, LCDC had to explain why the
4 amendment was consistent with both the economic development principles of Goal 9 and
5 the urbanization requirements of Goal 14. *Id.*

6 In conclusion, we stated:

7 "[B]ecause LCDC did not adequately explain the reasons that the UGB
8 amendment--which included more industrial land than will be developed during
9 the planning period so that the city could provide for market choice among sites--
10 was consistent with Goals 9 and 14, its order failed to respond to petitioners'
11 objections and [was] inadequate for judicial review * * * concerning the propriety
12 of the UGB amendment."

13
14 *Id.* at 226-27.

15 On remand, LCDC circulated a draft revised order to the parties and
16 considered written and oral arguments. On March 16, 2011, LCDC issued a revised
17 order again approving the city's amendment of its UGB. LCDC's analysis rests on two
18 foundations: first, what it characterized as a "close correlation" between the need for
19 industrial land calculated using the employees-per-acre approach and the need for
20 industrial land determined using the target-industries approach, and second, the city's
21 analysis of population, employment, target industries, and site requirements, which
22 LCDC concluded provided a factual and analytical base to establish that the city's
23 decision was consistent with Goal 14, Goal 9, and ORS 197.712 (setting out
24 comprehensive plan requirements). For the reasons explained below, we conclude that

1 LCDC's analysis is not supported by substantial reason.³

2 LCDC began its analysis by comparing the projected land need (in

³ We note that our standard of review of LCDC orders like the one in this case has changed since we decided *Woodburn I*. In 2011, after LCDC issued its revised order in this case and after petitioners had sought judicial review of that order, the legislature amended ORS 197.650 (and other statutes, including ORS 197.633, which includes the standard of review LCDC is to apply to local government actions) at the request of DLCD to alter the standards of review that both LCDC and this court will apply in, among other things, periodic review proceedings. Or Laws 2011, ch 469; *see also* Or Laws 2011, ch 469, § 9 (making amendment effective on passage, June 23, 2011). In so doing, the legislature intended to streamline, in a coordinated way, the process of review--before both LCDC and this court--of local government decisions on UGB amendments. *See* Audio Recording, Senate Committee on Environment & Natural Resources, HB 2031, May 24, 2011, at 52:14 (statement of Bob Rindy, Policy Analyst and Legislative Coordinator, DLCD), <https://olis.leg.state.or.us> (accessed Dec 19, 2013); Audio Recording, Senate Floor Debate, HB 2031, June 8, 2011, at 56:10 (statement of Senator Dingfelder, carrier of the bill), <http://olis.leg.state.or.us> (accessed Dec 19, 2013); Staff Measure Summary, Senate Committee on Environment and Natural Resources, HB 2031, June 7, 2011. As pertinent here, under the 2011 amendments, the standard of review described in ORS 197.651(10)--which is substantively akin to our standard of review of Land Use Board of Appeals orders--replaced the standard derived from the Administrative Procedures Act, which we had generally applied when reviewing an LCDC order such as the one in this case. *See* ORS 197.650(1) (2009) (providing, in part, that LCDC orders "may be appealed to the Court of Appeals in the manner provided in ORS 183.482"); *see also Woodburn I*, 237 Or App at 223-27 (applying that standard; reasoning that, to be adequate for judicial review, LCDC's order had to demonstrate substantial reason).

Here, as noted above, before the 2011 amendments became effective, LCDC conducted its post-remand review of the city's actions and issued its revised order--which noted that "[j]udicial review is pursuant to the provision[s] of ORS 183.482 and 197.650"--and petitioners sought judicial review of that order. In light of that unique posture, we conclude that the former standard of review in ORS 197.650(1) (2009) applies. That understanding is consistent with what we understand to be the legislature's intent in adopting Oregon Laws 2011, chapter 469, as a coordinated package of legislation that would streamline review of local government decisions regarding their UGBs. *See also 1000 Friends of Oregon v. LCDC*, 244 Or App 267-68, 259 P3d 1021 (2011) (applying pre-2011 standard of judicial review where the case was pending before the effective date of the 2011 amendments and our decision issued thereafter).

1 buildable acres) based on employment projections and an employee-per-acre calculation-
2 -viz., 311 acres--with the projected land need based on the target-industries approach used
3 by the city--viz., 362 acres. LCDC stated that "the relatively close correlation" between
4 those two numbers "provide[d] important corroboration for the city's ultimate decision
5 concerning the amount of land needed for industrial and office uses."⁴ Generally, LCDC
6 wrote:

7 "The more a city's land need for employment based on its analysis of
8 economic opportunities and sites diverges from what would be predicted
9 based solely on forecasted population and employment growth and
10 employee-per-acre ratios, the more thoroughly the city will need to
11 substantiate its economic opportunities analysis and resulting site needs. In
12 effect, the population and employment projections (Goal 14, factor 1),

⁴ Petitioners contend that, on remand, LCDC impermissibly added the projected land need for "office" employment to the projected land need for "industrial" employment to support its conclusion that the city added a permissible amount of industrial land to its UGB. As we explain below, we conclude that the prong of LCDC's analysis that relies upon that calculation does not meaningfully support its conclusion. Accordingly, we need not address petitioners' argument that LCDC impermissibly added "office" and "industrial" land needs together. We note, however, that LCDC argues on judicial review that the city's "target industries" included both "industrial industries" (e.g., printing and publishing, electronics fabrication) and "non-industrial industries" (e.g., nondepository credit institutions, health services). And the city relied on the projected employment and site needs of all the targeted industries--both "industrial" and "non-industrial"--to justify the expansion of its UGB to include more land for industrial use. It is not readily apparent to us why the targeting of *nonindustrial* employers justifies inclusion within the UGB of any land for *industrial* use. Moreover, the site requirements analysis provided by ECONorthwest provides limited support for the conclusion that the targeted employers require industrial-zoned land. In the site-requirements analysis, ECONorthwest specifically described the site needs for most of the target industries (there is no specific description of the site needs of the industry identified as Industry #36 "Electronics - Fab Plants"--the industry that purportedly needs lot sizes of 100 to 300 acres). As to the four "non-industrial industries," the site requirements analysis indicated that those employers could locate on commercially zoned land. And, even the description of the needs of some of the "industrial industries" (e.g., printing & publishing, wholesale trade) mentions no particular zoning need for the pertinent employer.

1 serve as an elastic constraint on a community's projected land needs based
2 on the aspirations and opportunities (Goal 14, factor 2 and Goal 9), as
3 documented through an EOA and through site requirements. The further
4 the two diverge, the stronger the substantiation required that future
5 opportunities are real (in the sense of land need under Goal 14, factor 1)
6 and not speculative."

7 Here, according to LCDC, the two numbers (311 and 362) are "relatively close," and so
8 LCDC determined that the population and employment projections "support a conclusion
9 that the city's UGB expansion for industrial and office uses contains an amount of land
10 that is reasonably related to both its forecasted growth (Goal 14, factor 1) and its
11 employment opportunities (Goal 14, factor 2, and Goal 9)."

12 LCDC did not explain why a close correlation between projected land need
13 based on an employee-per-acre ratio and projected land need based on a target-industries
14 analysis "corroborates" the number projected by the target-industries analysis. Moreover,
15 although LCDC indicated that a local government with a target-industries-based number
16 that is "more" divergent from the employee-per-acre-based number will need to provide
17 "more" thorough substantiation of its EOA and site needs, it gave no content to that
18 analysis: how much more "divergence" requires how much more substantiation? Here,
19 the numbers diverge by more than 16 percent. Would 20 percent no longer be considered
20 "close"? Most importantly, LCDC did not explain why the relationship between the two
21 numbers, in any case, should relieve it from reviewing--or local governments from
22 explaining--why the amount of land proposed to be added to the UGB is consistent with
23 the goals and other law just as carefully as it would if the correlation were not "close."
24 We are not persuaded that the purportedly "close correlation" in this case provides

1 analytical support for LCDC's conclusion that the city added a legally permissible
2 amount of industrial land to its UGB. Accordingly, we turn to the other justifications for
3 approval of the UGB expansion in LCDC's order on remand to determine whether they
4 support the conclusion that LCDC reached.⁵

5 In its order on remand, LCDC concluded that the city's analysis of
6 population, employment, target industries, and site requirements provided a factual and
7 analytical base to establish that the city's decision was consistent with Goal 14, Goal 9,
8 and ORS 197.712. LCDC thoroughly reiterated the steps undertaken by the city and its
9 consultant in order to arrive at the conclusion that, under a target-industries analysis and
10 to support the economic opportunities that the city wished to offer, the city needed to add
11 409 gross acres of land for industrial use. The city indeed engaged in a lengthy process,

⁵ In its brief in this judicial review proceeding, LCDC identifies the "close correlation" approach as LCDC's "analytic framework" for evaluating this case. LCDC noted that DLCD Director Richard Whitman acknowledged that there was a "certain element of professional judgment by the experts advising the city as to whether [these] sites are necessary to achieve these employment opportunities" and that such an approach "appear[ed] to give to a consultant" a "degree of discretion" that might lead to "discomfort." Accordingly, Whitman explained, "[t]hat's why we looked at the employee-per-acre approach as a check on that to see if the numbers were in fairly close alignment * * *." In its brief, LCDC conceded that, given the "close correlation" between the employee-per-acre number and the target-industries number, "LCDC did not closely scrutinize the substantiation behind the city's stated needs. Instead, it accorded the city a fair amount of deference." Aside from the "close-correlation" comparison, however, LCDC's brief does not identify how it reasoned that the city's land need complied with the law. LCDC's brief does point to LCDC's reliance on the city's "exhaustive and comprehensive assessment of the site needs of its target industries," but we do not understand LCDC to argue that that reliance provides independent reasoning. Although LCDC appears to argue that the only analytical underpinning for the order on remand was the "close correlation" calculation, we nonetheless have reviewed the other justifications in LCDC's order to determine whether they provide substantial reason for its decision.

1 resulting in a voluminous record, in this periodic-review process. Similarly, LCDC, in its
2 order on remand, recounted in detail the steps that the city took in engaging in and
3 documenting its process. LCDC also walked through applicable goals and other legal
4 provisions, and concluded that the city's expansion of its UGB was consistent with each.
5 What is lacking, however, is a meaningful explanation of *why* the steps taken by the city
6 satisfy those legal standards. Instead, LCDC recounted all the steps that the city took and
7 then concluded--without analysis--that those steps are factually and analytically
8 supported, and are consistent with the law.

9 LCDC's discussion of Goal 14, factor 2, is illustrative:

10 "The city's population and employment forecasts provide context for the
11 city's determination of its need for employment opportunities under Goal
12 14, factor 2 * * *. The commission finds that there is a reasonable
13 relationship between the city's estimate of 8,374 new jobs during the 2000-
14 2020 planning period and the amount of land it has determined is needed
15 for employment opportunities based on its analysis of economic
16 opportunities, target industries and suitable sites. The commission
17 concludes that for these reasons, and the reasons set forth in the
18 department's response to the written argument of the parties (dated January
19 7, 2011 and expressly incorporated by this reference) that the amount of
20 land the city has added to its UGB is consistent with both Goal 9 and Goal
21 14. The city has not added more land than needed during the 20-year
22 planning period. Nor, despite some contradictory statements in the city's
23 planning documents, has it added land in order to provide for 'market
24 choice' (as explained in more detail below). Instead, the amount of land
25 included in the UGB expansion is based on a reasonable projection of what
26 target industries the city is most likely to succeed in attracting or having
27 expand during the planning period, and the site requirements of those
28 industries (the types of sites companies in those industries typically require
29 in order to locate in a community). Finally, * * * the commission also finds
30 that the city's estimate of land need is reasonably related to its projections
31 of population and employment growth during the planning period.

32 "The commission further finds that the city has demonstrated compliance
33 with Goal 14, factor 2 * * * through its analysis of target industries and

1 suitable sites needed to provide employment opportunities that are
2 reasonably likely to generate the employment needed for the city's current
3 and projected future population. In this instance, the target industries
4 methodology the city used is appropriate and complies with * * * Goal 14,
5 factor 2. Using an employees-per-acre methodology is not required to
6 demonstrate compliance with * * * Goal 14, factor 2, and the city did not
7 use it to demonstrate total land need. The city's decision to use a targeted
8 industries methodology instead of an employees-per-acre [methodology] is
9 permissible under Goal[] * * * 14. As explained above, the city's decision
10 to plan for employment opportunities rather than projected employment
11 based on population growth does not mean that the city added more land
12 than it needs for employment during 2000-2020.

13 "Goal 9 and Goal 14, factor 2, and the commission's Goal 9 rule (OAR 660-
14 009-0025(2)(2005)) require the city to plan for an amount of land in each
15 site category that at least equals the projected land needs for each category
16 during the 20-year planning period. The city projected land needs by size
17 class--tied to the particular requirements of its target industries, and
18 demonstrated a need for approximately 409 gross acres of land after
19 accounting for sites within the prior UGB. The commission finds that the
20 city's analysis complies with Goals 9 and 14, as well as OAR 660-009
21 (2000).

22 "* * * * *

23 "The city's decision * * * complies with Goal 14, factor[] 2 * * *. Goal 14
24 requires that 'Establishment and change of urban growth boundaries shall
25 be based on the following: (1) Demonstrated need to accommodate long
26 range urban population, consistent with a 20-year population forecast
27 coordinated with affected local governments; and (2) Demonstrated need
28 for housing, employment opportunities, livability or uses such as public
29 facilities, streets and roads, schools, parks or open space, or any
30 combination of the need categories in this subsection (2). In determining
31 need, local government may specify characteristics, such as parcel size,
32 topography or proximity, necessary for land to be suitable for an identified
33 need.'

34 "* * * * *

35 "The city complied with Goal 14, factor 2 by identifying its employment
36 opportunities through an economic opportunities analysis, and by
37 establishing the site requirements for target industries needed to accomplish
38 the 20-year economic strategy and associated city policies.

1 "The commission finds that the city identified a reasonable set of site
2 requirements for its target industries. The portfolio of sites chosen by
3 Woodburn is a reasonable estimation, based on expert opinion, for the city
4 to rely on as to its employment opportunities and corresponding land needs
5 for the planning period.

6 "The commission finds that the city's use of target industries to identify
7 employment need over the planning period is consistent with the city's
8 population and employment projections. Employment forecasts inform
9 policy decisions and afford local governments the ability to plan a future
10 different from historical trends."

11 That discussion, while lengthy, does not include reasoning. It includes
12 findings of fact (including facts about what the city or its consultant did during the
13 periodic-review process) and statements of law or policy. It also includes conclusions
14 that the facts in this case satisfy the law. It does not include the reasoning that led LCDC
15 from the facts to its conclusion.

16 We have extracted each proposition included in LCDC's discussion and
17 categorized it as follows:

- 18 • Employment forecasts inform policy decisions and allow local governments the
19 ability to plan a future that differs from historical trends. (statement of policy)
- 20 • The city's population and employment forecasts provide context for the city's
21 determination of employment need. (statement of policy)
- 22 • The city's estimate of land need is reasonably related to the city's projections of
23 population and employment growth. (conclusion)
- 24 • To demonstrate compliance with Goal 14, factor 2, a local government need not
25 use an employees-per-acre methodology, but may use a target-industries

- 1 methodology. (statement of law)
- 2 • The city did not use an employees-per-acre approach; it used a target-industries
3 approach. (finding of fact)
- 4 • The city's decision to use a target-industries approach was permissible under Goal
5 14, factor 2. (conclusion)
- 6 • The city's determination of employment need was based on its analysis of
7 economic opportunities, target industries, and suitable sites. (finding of fact)
- 8 • The city's analysis of target industries and sites needed to support employment
9 opportunities and future population demonstrate compliance with Goal 14, factor
10 2. (conclusion)
- 11 • The city's decision to plan for employment opportunities (*i.e.*, use the target-
12 industries approach) rather than projected employment based on population (*i.e.*,
13 use the employees-per-acre approach) does not mean that the city added more land
14 than needed during the employment period. (conclusion)
- 15 • The amount of land that the city included in the UGB expansion was based on a
16 reasonable projection of the target industries that the city is most likely to attract
17 or have expand during the planning period and the site requirements of those
18 industries. (conclusion)
- 19 • The city identified a reasonable set of site requirements for its target industries.
20 (conclusion)
- 21 • The "portfolio" of sites that the city chose was based on expert opinion and is a

- 1 reasonable estimate of what the city will need to provide the land needed to
2 support the employment opportunities that it has chosen. (finding of fact;
3 conclusion)
- 4 • The city has demonstrated compliance with Goal 14, factor 2, through its target-
5 industries and site-needs analysis. (conclusion)
 - 6 • A local government must plan for an amount of land that will meet at least the
7 projected land need for each category during the planning period. (statement of
8 law)
 - 9 • The city projected land needs by class size tied to the needs of its target industries.
10 (statement of fact)
 - 11 • The city took into account sites within the existing UGB. (statement of fact)
 - 12 • The city demonstrated a need for 409 gross acres of land. (conclusion)
 - 13 • The city's analysis complies with Goals 9 and 14 and OAR 660-009. (conclusion)
 - 14 • The city complied with Goal 14, factor 2, by identifying its employment
15 opportunities through its EOA and by establishing the site requirements that its
16 target industries would need to accomplish the city's economic strategy.
17 (conclusion)
 - 18 • The city did not add more land to the UGB than it will need during the 20-year
19 planning period. (conclusion)
 - 20 • The city did not add land to the UGB in order to provide market choice.
21 (conclusion)

1 To the extent that LCDC intended to base its conclusion that the city's
2 actions complied with Goal 14, factor 2, on the proposition that the city had engaged in a
3 particular process, that is insufficient. If it were sufficient, local governments could
4 establish compliance with Goal 14, factor 2, simply by verifying that they had engaged in
5 the correct process, regardless of their conclusions. Substantial reason requires, at the
6 least, an explanation of why the process in which a local government engaged *and* the
7 results that it reached are consistent with the law.

8 In addition, LCDC incorporated into its discussion of Goal 14, factor 2,
9 "the reasons set forth in the department's response to the written argument of the parties."
10 We have examined that response and conclude that it fails to supply LCDC's order with
11 substantial reason. The response relies on the same two foundations described above:
12 (1) the "close correlation" between the amount of land actually added to the UGB and the
13 amount that would have been added using an employees-per-acre approach ("[E]ven
14 under the employee per acre method of estimating future land need, the approximately
15 360 net acres of land that the city has added to its UGB for industrial and office uses * *
16 * is reasonably related to the amount of land shown to be needed under a traditional
17 employee per acre methodology.") and (2) the city engaged in "steps [that] are a
18 permissible means of complying with Goals 9 and 14[.]" As we have explained, those
19 foundations do not provide substantial reason.

20 We have carefully reviewed LCDC's entire order on remand, and we
21 conclude that LCDC did not adequately explain the reasons that led it to conclude the

1 city's UGB amendment complied with applicable law. As noted, in light of that
2 disposition, we do not address petitioners' arguments regarding the inclusion of certain
3 high-value farmland within the UGB as industrial land.

4 Reversed and remanded for reconsideration.

- A. View Corridors.** All development and vegetation with a view corridor designation in the *Scenic Resources Protection Plan* are subject to the regulations of this Subsection.
1. Purpose. The intent of the view corridor designation is to establish maximum heights within view corridors to protect significant views from specific viewpoints.
 2. Standard. All development within the designated view corridors are subject to the height limits of the base zone, except when a more restrictive height limit is established by the view corridor. In those instances, the view corridor height limit applies to both development and vegetation. Public safety facilities are exempt from this standard.
- B. Scenic Corridors.** All development and vegetation with a scenic corridor designation in the *Scenic Resources Protection Plan* are subject to the regulations of this Subsection.
1. Purpose. The scenic corridor designation is intended to preserve and enhance the scenic character along corridors, and where possible, scenic vistas from corridors. This is accomplished by limiting the length of buildings, preserving existing trees, providing additional landscaping, preventing development in side setbacks, screening mechanical equipment, and restricting signs.
 2. Standards.
 - a. Limiting blank facades. Long, blank facades create uninteresting elements along a scenic corridor. This standard applies to all portions of buildings within 100 feet of the designated resource. Residential structures are exempt from this standard. Blank facades must be mitigated for in at least one of the following ways:
 - (1) The maximum length of any building facade is 100 feet.
 - (2) Two rows of trees, one deciduous and one evergreen, must be planted on 30-foot centers along the length of the building between the structure and the protected resource.
 - (3) Facades facing the scenic corridor must have a minimum of 40 percent of surface area in glass. Mirrored glass with a reflectance greater than 20 percent is prohibited.
 - b. Street setbacks. The entire required street setback must be landscaped to at least the L1 level unless the more stringent standards below or in other chapters of this Title apply. Up to 25 percent of the entire area of the street setback may be used for vehicle and pedestrian areas except that each lot is allowed at least a 9-foot wide driveway or parking area and a 6-foot wide pedestrian area. For shared driveways serving more than one unit, the base zone standards apply, and landscaping at the L1 standard must be provided adjacent to the identified resource. Where the base zone does not require a street setback, a setback of 20 feet is established by the Scenic Resource zone on street lot lines that abut the Scenic Corridor identified in the *Scenic Resources Protection Plan*. The required landscaping in the setback must be provided at the time of development, except as allowed in B.2.b(1) below.