

29.3.3 Comprehensive Plans – Applicability – Effect of Acknowledgment. In an appeal of a post-acknowledgment plan amendment that redesignates an estuarine area from a natural management unit to a conservation management unit, the petitioner cannot argue that the acknowledged conservation unit provisions that allow riprap as a conditional use are inconsistent with Goal 16. *Oregon Shores Cons. Coalition v. Lane County*, 52 Or LUBA 471 (2006).

29.3.3 Comprehensive Plans – Applicability – Effect of Acknowledgment. Even if the Goal 17 requirements governing shorelands “suitable for water-dependent uses” and “especially suited for water-dependent uses” have an independent significance under Goal 17, where the county’s acknowledged code and plan treat the two phrases interchangeably, any error in conflating the meaning of the two phrases cannot be challenged in a permit decision. *Oregon Shores Cons. Coalition v. Coos County*, 51 Or LUBA 500 (2006).

29.3.3 Comprehensive Plans – Applicability – Effect of Acknowledgment. That LCDC acknowledged a 1999 decision including resource land within an urban unincorporated community (UUC) does not mean that LCDC concurred with the county’s apparent intent to later plan and zone the land for non-resource uses. *Oregon Shores Cons. Coalition v. Coos County*, 50 Or LUBA 444 (2005).

29.3.3 Comprehensive Plans – Applicability – Effect of Acknowledgment. While the acknowledgment process shields local governments from collateral attacks on acknowledged plans and ordinances, any errors the local government may have made in that process do not obviate goal and rule requirements that govern subsequent plan and zoning amendments. *Oregon Shores Cons. Coalition v. Coos County*, 50 Or LUBA 444 (2005).

29.3.3 Comprehensive Plans – Applicability – Effect of Acknowledgment. "Deemed acknowledgment" under ORS 197.615 does not satisfy ORS 197.505 requirement that local ordinances establishing a moratorium be acknowledged under ORS 197.251. *Home Builders Assoc. v. City of Wilsonville*, 30 Or LUBA 246 (1995).

29.3.3 Comprehensive Plans – Applicability – Effect of Acknowledgment. An action engaged in or practice in accordance with an acknowledged comprehensive plan provision or implementing ordinance must be justified by an acknowledged provision that fully sets forth the essential structure, form and requirements for such action or practice. *Home Builders Assoc. v. City of Wilsonville*, 30 Or LUBA 246 (1995).

29.3.3 Comprehensive Plans – Applicability – Effect of Acknowledgment. Where a local government's acknowledged comprehensive plan and land use regulations apply a freshwater wetland designation to certain property, the local government's application of regulations governing freshwater wetlands to development of the subject property is not error, even though comprehensive plan inventory documents suggest the property is in fact a saltwater marsh. *ONRC v. City of Seaside*, 29 Or LUBA 39 (1995).

29.3.3 Comprehensive Plans – Applicability – Effect of Acknowledgment. Following acknowledgment, ORS 197.175(2)(d) requires that a local government make its land use decisions in compliance with *applicable* provisions of its acknowledged comprehensive plan and land use regulations. However, individual comprehensive plan provisions may not impose mandatory approval criteria or apply to particular types of land use decisions. *Draganowski v. Curry County*, 26 Or LUBA 420 (1994).