

29.2.3 Comprehensive Plans – Amendments – Text Amendments: Standards. A city’s conclusion that zoning ordinance text amendments are consistent with the city’s comprehensive plan policy which requires city to “maximize * * * intermodal transportation linkages” because the amendments will not affect the city’s supply of land zoned for economic or industrial use is not responsive to the language of the comprehensive plan policy objective. On its face, a city’s zoning ordinance which prohibits new and expanded intermodal fossil fuel transportation facilities appears to be inconsistent with the comprehensive plan policy objective language, and this apparent inconsistency requires some analysis and a direct explanation. *Columbia Pacific v. City of Portland*, 76 Or LUBA 15 (2017).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. When a county amends a zoning ordinance to require a particular study area when applying a maximum residential density standard within that zoning district, the county cannot rely on an earlier LUBA decision that allowed use of a similar study area in a quasi-judicial decision affecting a single property. Instead, the county must establish in amending the zoning ordinance that mandating the particular study area in all cases in that zone in the future is consistent with the maximum residential density standard and Goal 5, which the maximum residential density standard was adopted to implement. *ODFW v. Crook County*, 72 Or LUBA 316 (2015).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. A county must justify its decision to replace an ambiguous existing maximum residential density standard with a similarly worded but much more methodologically precise maximum residential standard and may not simply rely on the similar wording to conclude that the new standard is consistent with the county’s comprehensive plan and Goal 5. *ODFW v. Crook County*, 72 Or LUBA 316 (2015).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. In adopting zoning that makes existing manufactured dwelling parks non-conforming uses in a high-density residential zone, a city is not required to consider in isolation a comprehensive plan policy requiring conservation of existing affordable housing, but may consider and balance other plan policies that promote competing policy objectives. *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1 (2013).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. Remand is necessary where a city deletes two refinement plan policies requiring protection of existing manufactured dwelling parks, and zones the parks to make them non-conforming uses, but the findings do not explain how the amendments are consistent with a comprehensive plan policy requiring conservation of existing affordable housing. *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1 (2013).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. A county’s population projection is supported by an adequate factual base when it relies on a massive supply of groundwater in the regional aquifer and future acquisition of rights to the aquifer in order to meet future water needs for population growth. *Friends of Deschutes County v. Deschutes County*, 49 Or LUBA 100 (2005).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. While population forecasts may eventually be used to provide a partial basis for a local government to take future actions that might have an effect upon farmland, the forecasts do not have an effect on farmland, and therefore do not implicate Goal 3. *Friends of Deschutes County v. Deschutes County*, 49 Or LUBA 100 (2005).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. A local government may take past and future annexations into account in determining its future growth rate. *Friends of Deschutes County v. Deschutes County*, 49 Or LUBA 100 (2005).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. Including “public or private racetracks” among the uses allowed in a new public/quasi-public plan designation and parks and recreation zone is not inconsistent with general comprehensive plan language requiring “sensitivity to natural features” and encouragement of mixed development. *Okray v. City of Cottage Grove*, 47 Or LUBA 297 (2004).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. A post-acknowledgement plan amendment that redesignates more than two acres for commercial use must follow one of the three courses of action set out at OAR 660-009-0010(4). Although one of those permissible courses of action is to demonstrate that the post-acknowledgement plan amendment is consistent with the part of the acknowledged comprehensive plan that was adopted to implement the Goal 9 administrative rule, where the proposed action appears to be inconsistent with implementation strategies in the plan, the city must amend its acknowledged comprehensive plan following the planning requirements of OAR 660-009-0015 through 660-009-0025 and in doing so it must prepare an economic opportunities analysis. *Jaqua v. City of Springfield*, 46 Or LUBA 134 (2004).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. Unless the requirements of a periodic review remand order are embodied in a city’s comprehensive plan or other applicable regulations, an allegation that a proposed comprehensive plan amendment and zone change are inconsistent with that periodic review remand order is not a basis for reversal or remand. *Friends of Marion County v. City of Keizer*, 45 Or LUBA 236 (2003).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. A county does not exceed the authority granted under ORS 195.025(1) or 197.005(3) by adopting county comprehensive plan amendments that inform cities what considerations will suffice to gain county concurrence in UGB amendments or other decisions requiring county concurrence. *City of Woodburn v. Marion County*, 45 Or LUBA 423 (2003).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. ORS 195.036 does not require a county to employ any particular methodology to project future population, and is silent with respect to whether different methodologies may be used for different areas of the county. As long as the county’s choice of methodology is supported by an adequate factual base, the county may choose to use different methodologies in different areas of the county. *Tipperman v. Union County*, 44 Or LUBA 98 (2003).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. A reasonable factfinder would not rely on 1990-2000 building permit data to project a higher than historic population increase through the year 2020, where the analysis of building permit data assumes without any basis that each building permit resulted in construction of a permanent non-seasonal dwelling, and fails to adequately take into account the number of abandoned, demolished, removed or replaced dwellings. *Tipperman v. Union County*, 44 Or LUBA 98 (2003).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. A reasonable factfinder would not assume that every new job and student slot created in the county over the next 20 years will be filled by a new immigrant to the county, for purposes of projecting county population increase, particularly given the relatively high rate of unemployment in the county, and the unlikelihood that all new jobs will be full-time or family-wage jobs likely to induce immigration. *Tipperman v. Union County*, 44 Or LUBA 98 (2003).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. A county's choice to allocate a higher than historic rate of growth to one city, in coordinating the county's 20-year population projection among cities and unincorporated areas, is supported by an adequate factual base, where the record includes evidence that the city was the fastest growing city in the county in the 1990s and is likely to annex rural residential land at a higher rate than other cities. *Tipperman v. Union County*, 44 Or LUBA 98 (2003).

29.2.3 Comprehensive Plans – Amendment – Map Amendment: Procedure. OAR 660-018-0010(11) and 660-018-0010(13), read together, exempt small tract zoning map amendments from the requirement, at OAR 660-018-0020 and ORS 197.610, that DLCD be notified of proposed plan or land use regulation amendments. *Neighbors for Sensible Dev. v. City of Sweet Home*, 40 Or LUBA 21 (2001).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. A county's 2020 population projection is supported by an adequate factual base, notwithstanding that it is based on 1991-1997 population figures that differ from official state estimates for those years, where a reasonable person could conclude that, when the two sets of figures are adjusted to cover the same period of time, the difference between the county and state figures falls within a statistically acceptable margin of error. *DLCD v. Douglas County*, 37 Or LUBA 129 (1999).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. A county population projection is supported by an adequate factual base, notwithstanding that it is based on assumptions regarding economic growth that are inconsistent with the county's historic economic growth patterns, where a reasonable person could conclude that those historic economic growth patterns are not indicative of the county's long-term economic prospects. *DLCD v. Douglas County*, 37 Or LUBA 129 (1999).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. A county plan amendment imposing a "sequencing" requirement that proposed attached housing be built before completing proposed detached housing is supported by an adequate factual base, where a reasonable decision maker could conclude, based on testimony in the record, that the sequencing requirement is necessary to forestall attempts to underbuild attached housing, which may subvert

the county's minimum density standard. *West Hills Development Co. v. Washington County*, 37 Or LUBA 46 (1999).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. Petitioners fail to demonstrate that a county's plan amendment lacks an adequate factual base and is inconsistent with Goal 10 where petitioners merely speculate that the county's plan amendment, which requires that proposed attached housing be built at a site before completing proposed detached housing, will adversely affect the county's buildable lands inventory. *West Hills Development Co. v. Washington County*, 37 Or LUBA 46 (1999).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. Petitioners fail to demonstrate that a county's minimum density standard lacks an adequate factual base or is inconsistent with Goal 10 where petitioners merely speculate that application of the standard will make it impossible to develop certain lands at lower densities. Even if petitioners' speculations are correct, the only probable result is that those lands will be developed at higher densities, which is not inconsistent with Goal 10. *West Hills Development Co. v. Washington County*, 37 Or LUBA 46 (1999).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. A decision to remove 40 acres of land from a city's inventory of multi-family residential land must be shown to be consistent with the inventory of buildable lands in the housing element of the city's comprehensive plan. A general finding that there are other available lands that would satisfy residential needs is inadequate to explain why the city's inventory of multi-family residential land remains adequate to meet the city's needs despite a decision to remove 40 acres from that inventory. *Mulford v. Town of Lakeview*, 36 Or LUBA 715 (1999).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. Approval standards for approval of "development" do not apply to a legislative amendment of a future streets plan. *Fogarty v. City of Gresham*, 34 Or LUBA 309 (1998).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. A local government is not required to select the most favorable or logical future streets plan where the applicable criterion simply requires that the streets plan provide logical extension, continuation and interconnection. *Fogarty v. City of Gresham*, 34 Or LUBA 309 (1998).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. A legislative comprehensive plan amendment must comply with the statewide planning goals, and that requirement is not met simply because subsequent development applications would be reviewed pursuant to acknowledged criteria. *Fogarty v. City of Gresham*, 34 Or LUBA 309 (1998).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. An amendment to an acknowledged comprehensive plan must be reviewed for compliance with the statewide planning goals, notwithstanding that the acknowledged plan has an acknowledged process for amending the plan, where the amendment can be reviewed for compliance with the statewide planning goals without necessarily challenging the acknowledged process itself. *Fogarty v. City of Gresham*, 34 Or LUBA 309 (1998).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. Findings that state aggregate sites already on the comprehensive plan inventory are being depleted faster than expected, conclude there is a need to preserve additional aggregate sites to provide for long-term supply at multiple sites to protect the competitive nature of the aggregate market and explain why it is in the public interest that a competitive aggregate market be maintained, are sufficient to satisfy a code requirement that there be a “public need” to add the subject site to the plan inventory. *O’Rourke v. Union County*, 29 Or LUBA 303 (1995).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. Where a legislative comprehensive plan amendment adopts policies arguably relevant to OAR 660-12-060, either the decision must be supported by findings addressing OAR 660-12-060 or respondents must demonstrate, through arguments in their briefs and citation to provisions of the local government’s plan and regulations or the record, that the challenged policies comply with OAR 660-12-060. *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670 (1995).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. Where an applicable standard requires a determination that a proposed plan amendment complies with the plan, findings that state only that the proposal “appears” to satisfy the plan are inadequate to demonstrate compliance with that standard. *Makepeace v. Josephine County*, 25 Or LUBA 370 (1993).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. Comprehensive plan amendments must comply with the statewide planning goals. *Neuharth v. City of Salem*, 25 Or LUBA 267 (1993).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. A process included in an acknowledged comprehensive plan for correcting scrivener’s errors does not excuse a local government from demonstrating that a substantive amendment to the plan complies with the statewide planning goals. *Von Lubken v. Hood River County*, 22 Or LUBA 307 (1991).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. In amending an acknowledged comprehensive plan, a local government is required by statute to assure the plan as amended complies with the statewide planning goals and the amendment does not create a conflict with the unamended portions of the acknowledged comprehensive plan and land use regulations. *Von Lubken v. Hood River County*, 22 Or LUBA 307 (1991).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. Even if a particular standard in an acknowledged comprehensive plan goes beyond what is required by Goal 3 or the EFU zoning statutes, it does not necessarily follow that what is left after the plan is amended to delete that standard is sufficient to comply with Goal 3. *Von Lubken v. Hood River County*, 22 Or LUBA 307 (1991).

29.2.3 Comprehensive Plans – Amendment – Text Amendment: Standards. Although the provision of ORS 197.160(1)(b) requiring local government citizen involvement programs to provide for a citizen advisory committee(s) may establish an approval standard for the adoption or

amendment of local government citizen involvement programs, it does not establish substantive or procedural requirements for the review of other types of plan amendments. *Wade v. Lane County*, 20 Or LUBA 369 (1990).