

29.3.3 Comprehensive Plans – Applicability – Effect of Acknowledgment. The Goal 2 requirement that acknowledged comprehensive plans be the “basis” for land use decisions is not violated by citation to an adopted, but unacknowledged housing strategy document, where the cited portion of the document directly implements, in almost identical language, policy recommendations in the city’s acknowledged housing needs analysis. *Crowley v. City of Hood River*, 77 Or LUBA 117 (2018).

29.3.3 Comprehensive Plans – Applicability – Effect of Acknowledgment. Language in a city’s acknowledged housing needs analysis finding an existing deficit of affordable housing in the city, and recommending that the city identify surplus city land for development with government-subsidized housing, provides a policy basis for the city to rezone public land from an open space zone to a residential zone that allows high density residential development. *Crowley v. City of Hood River*, 77 Or LUBA 117 (2018).

29.3.3 Comprehensive Plans – Applicability – Effect of Acknowledgment. That a city’s acknowledged buildable lands inventory indicates that the city already has an adequate supply of land zoned for R-3 (high density residential) does not undermine the city council’s conclusion that rezoning additional land to R-3 is necessary to address an identified shortage of affordable housing, where the city finds that the private housing market has been unable to address the need for affordable housing despite an adequate supply, and that rezoning surplus public land to R-3, to be donated to a housing agency, is necessary to facilitate development of affordable housing. *Crowley v. City of Hood River*, 77 Or LUBA 117 (2018).

29.3.3 Comprehensive Plans – Applicability – Effect of Acknowledgment. A city must rely on its acknowledged Goal 9 inventory and Goal 9 elements to demonstrate that after a proposed plan amendment the city’s comprehensive plan continues to comply with Goal 9, and the city cannot rely instead upon an unacknowledged economic opportunities analysis to make that demonstration. *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1 (2013).

29.3.3 Comprehensive Plans – Applicability – Effect of Acknowledgment. A reference in an ordinance to a city’s engineering design manual is not sufficient to incorporate the manual into the city’s acknowledged plan and land use regulations. *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1 (2013).

29.3.3 Comprehensive Plans – Applicability – Effect of Acknowledgment. Goal 2 is not violated by adopting a plan amendment that references unacknowledged land use regulations. *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1 (2013).

29.3.3 Comprehensive Plans – Applicability – Effect of Acknowledgment. That a county’s comprehensive plan was acknowledged in the 1990s to comply with Goal 4 does not shield the county from the obligation, at ORS 197.646(1) and (3), to apply subsequently adopted amendments to Goal 4 or the Goal 4 rule until the county incorporates those amendments into its comprehensive plan. Because the Goal 4 rule was amended in 2008 and 2011 to provide a prioritized list of data sources a county must consider when determining whether land is forest land subject to Goal 4, the county cannot simply apply its acknowledged comprehensive plan standards for identifying forest land, but must also apply the amended Goal 4 rule, until the county

incorporates those rule amendments into its comprehensive plan. *Rogue Advocates v. Josephine County*, 66 Or LUBA 45 (2012).

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).