

29.3.4 Comprehensive Plans – Applicability – Subarea Plans. Remand is necessary where a city adopts a legislative text amendment prohibiting expansion of existing fossil fuel terminals, without addressing consistency with a subarea plan policy objective to “maintain, protect and enhance private transportation investments” in the subarea, “including rail and marine terminals, to ensure continued viability as a major center for the import and export of industrial products in the State of Oregon.” *Columbia Pacific v. City of Portland*, 76 Or LUBA 15 (2017).

29.3.4 Comprehensive Plans – Applicability – Subarea Plans. Sub-area plan language describing as a “buffer” the neighborhood that includes property proposed for rezoning from a high density residential to a higher density residential zone need not be interpreted to limit density to no more than the median density between the two zones. A planning commission does not err in concluding that the proposed rezone is consistent with the “buffer” description based on other density, height and design restrictions. *Conte v. City of Eugene*, 65 Or LUBA 326 (2012).

29.3.4 Comprehensive Plans – Applicability – Subarea Plans. That a sub-area comprehensive plan map designates an area as “Medium and High Density” does not imply an intent to limit density below the maximum density otherwise allowed under the area’s general comprehensive plan map designation and zoning. *Conte v. City of Eugene*, 65 Or LUBA 326 (2012).

29.3.4 Comprehensive Plans – Applicability – Subarea Plans. Where part of a subarea plan is adopted by one ordinance and part of that subarea plan is adopted by a second ordinance, and the first ordinance is remanded by LUBA but the second ordinance is affirmed, the part of the subarea plan adopted by the second ordinance may provide the comprehensive plan basis for a parking garage. Where the second ordinance adopts a subarea plan parking policy and zoning code amendments that specifically authorize parking garages on certain specified properties and a city subsequently issues a decision approving a parking garage pursuant to the policy and zoning code, the city’s decision will be affirmed on appeal notwithstanding that the first ordinance was remanded, where petitioners identify no other comprehensive plan provisions that are inconsistent with approval of the parking garage. *NWDA v. City of Portland*, 58 Or LUBA 533 (2009).

29.3.4 Comprehensive Plans – Applicability – Subarea Plans. A comprehensive plan policy that a city fund certain public facilities by systems development charges to the maximum extent allowed by law is not an approval standard that the city must consider in approving a petition to annex land, where that land will not be planned and zoned to allow urban development at the time of annexation. *Graser-Lindsey v. City of Oregon City*, 56 Or LUBA 504 (2008).

29.3.4 Comprehensive Plans – Applicability – Subarea Plans. A comprehensive plan map and a sub-area plan map do not conflict in depicting the plan designation of a particular property, where the comprehensive plan map is at a scale of one inch to 8,000 feet, is not property-specific, and does not clearly indicate whether the plan designation of the property is commercial or residential, while the sub-area plan map is large-scale, property-specific, and clearly depicts the property as commercial. *Knutson Family LLC v. City of Eugene*, 48 Or LUBA 399 (2005).

29.3.4 Comprehensive Plans – Applicability – Subarea Plans. Where a local land use regulation requires that a permit application be consistent with any relevant neighborhood plan, neighborhood plan policies which are described in the neighborhood plan as having the force of law are at least

potentially relevant approval criteria for the permit. *Hatfield v. City of Portland*, 37 Or LUBA 664 (2000).

29.3.4 Comprehensive Plans – Applicability – Subarea Plans. Where a city approves a development plan for a university district as part of a quasi-judicial proceeding, but does not incorporate it into the city's comprehensive plan or land use regulations, the development plan is not a comprehensive plan or land use regulation, and thus amendments to that plan are not subject to review for compliance with statewide planning goals or the Transportation Planning Rule. *Brome v. City of Corvallis*, 36 Or LUBA 225 (1999).

29.3.4 Comprehensive Plans – Applicability – Subarea Plans. An amendment to a "refinement plan" that is part of a local government's comprehensive plan is a comprehensive plan amendment and is reviewable for compliance with applicable provisions of the Statewide Planning Goals and their implementing rules. *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670 (1995).

29.3.4 Comprehensive Plans – Applicability – Subarea Plans. An amendment to a "refinement plan" that is part of a local government's comprehensive plan is a comprehensive plan amendment. *Graville Properties, Ltd. v. City of Eugene*, 27 Or LUBA 583 (1994).

29.3.4 Comprehensive Plans – Applicability – Subarea Plans. Where a subarea plan has been adopted as part of the local government's comprehensive plan, and includes a map establishing the boundaries of the subarea, petitioners' argument that the subject site is not part of the relevant neighborhood does not alter the applicability of the subarea plan to a proposed comprehensive plan map amendment for the subject site. *Hess v. City of Portland*, 23 Or LUBA 343 (1992).

29.3.4 Comprehensive Plans – Applicability – Subarea Plans. Amending an acknowledged multi-jurisdictional metropolitan area comprehensive plan so that it is inconsistent with an unamended city "refinement plan" is permissible where the comprehensive plan (1) recognizes such conflicts may exist, (2) provides that all such conflicts are resolved in favor of the comprehensive plan, and (3) recognizes that amendments to refinement plans needed to make them consistent with the comprehensive plan may be delayed. *Neste Resins Corp. v. City of Eugene*, 23 Or LUBA 55 (1992).