30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A county does not err in approving an application to correct an error in the original the plan and zone map designations of an existing mine from its original "Forest" plan map and zoning designation to Quarry and Mine Operations (QM), where the county's program to achieve Goal 5 is the QM designation and the mine was included on the county's inventory of significant aggregate sites when the initial plan and zone error occurred in 1984. *Landwatch Lane County v. Lane County*, 77 Or LUBA 474 (2018).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where the hearings officer adopts a board of commissioners' interpretation of a comprehensive plan policy that was articulated in a different decision, and that interpretation is not challenged on appeal, LUBA will reject a challenge to the adequacy of the hearings officer's findings, arguing that the findings fail to resolve all potential inconsistencies or ambiguities in applying the commissioners' interpretation to the proposed rezoning at issue, where the findings adequately explain the hearings officer's understanding of the plan policy, as interpreted by the commissioners, and adequately explain how the policy is applied to the rezoning application before the hearings officer. *Landwatch Lane County v. Lane County*, 75 Or LUBA 302 (2017).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A hearings officer does not err in rejecting a zone change applicant's proposed zoning diagram that orients true north toward the top border of the diagram, instead of matching the orientation of the north arrow on the applicable comprehensive plan map, which is tilted two degrees relative to the top border, where there is no basis to assume that the tilted north arrow on the comprehensive plan map is a "scriveners' error." *Laurel Hill Valley Citizens v. City of Eugene*, 73 Or LUBA 140 (2016).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Notwithstanding statements that a hearings officer considered all documents in the record, where a hearings officer expressly declines to consider a proposed zoning diagram under the erroneous assumption that the diagram is not based on the adopted comprehensive plan map, remand is necessary for the hearings officer to consider the proposed diagram free of that mistaken assumption. *Laurel Hill Valley Citizens v. City of Eugene*, 73 Or LUBA 140 (2016).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where the only way a zone change applicant can demonstrate that proposed zoning is consistent with a small-scale comprehensive plan map that is not property-specific is to match surveyed lines with features depicted on the comprehensive plan map such as roads, a reasonable decision-maker would not rely solely upon an approach that matches only a single survey line with a single feature, but would at least consider approaches that match multiple survey lines with multiple features, given the greater accuracy and reliability of a multiple-referent approach. *Laurel Hill Valley Citizens v. City of Eugene*, 73 Or LUBA 140 (2016).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Remand is necessary where a hearings officer determines that a proposed zone change is consistent with a comprehensive plan map that is not property-specific by matching a single survey line with a road depicted on the plan map, but fails to consider other matchups between survey lines and features on the map that might provide a more accurate alignment of the zoning boundary with the

comprehensive plan map, absent an explanation for why the additional survey lines matchups are unreliable. *Laurel Hill Valley Citizens v. City of Eugene*, 73 Or LUBA 140 (2016).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. For an implied interpretation of a local standard to be adequate for review, the findings embodying the interpretation must carry one possible meaning of the ambiguous language in the standard, and an easily inferred explanation of that meaning. A finding that proposed rezoning to higher density residential use is consistent with a plan policy that requires "good access" to an arterial because the property is located near a minor arterial does not embody an implied interpretation adequate for review to the effect that "good access" is satisfied by physical proximity of the property to the arterial, regardless of the quality of access to that arterial. *Kine v. City of Bend*, 72 Or LUBA 423 (2015).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A finding of compliance with a zone change standard requiring consistency with a comprehensive plan policy requiring that higher density residential uses be sited "near employment" is inadequate, where the finding does not address proximity to employment at all, other than state that the property is adjacent to a small convenience commercial node. *Kine v. City of Bend*, 72 Or LUBA 423 (2015).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A finding of consistency with a comprehensive plan policy requiring that higher density residential use be sited in locations with "good access" to arterials is inadequate, where the finding states only that the site is located near an arterial, but without attempting to evaluate whether the site has or will in fact have good access to the arterial. *Kine v. City of Bend*, 72 Or LUBA 423 (2015).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A finding of consistency with a comprehensive plan policy requiring that residential densities maintain a proper relationship between public facilities and services and population distribution is inadequate, where the finding merely recites that proposed higher density residential development will comply with the density requirements in the code, but without explaining how density will maintain the proper relationship between public facilities and population distribution. *Kine v. City of Bend*, 72 Or LUBA 423 (2015).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A finding of consistency with a comprehensive plan provision requiring that future development shall respect the character of the existing area is inadequate, where the finding simply states that the general character of the area is "residential," without evaluating whether placing higher density residential development in the middle of an area zoned and developed with low density residential development is consistent with respecting the character of the existing area. *Kine v. City of Bend*, 72 Or LUBA 423 (2015).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where a zone change standard requires a finding that adequate transportation networks to support the use are presently provided or planned to be provided concurrently with development of the property, a finding that this standard is met because future development will be subject to subdivision and site design review is inadequate to establish that the subject site has required secondary access or that

such access is planned to be provided concurrently with development of the property. *Kine v. City of Bend*, 72 Or LUBA 423 (2015).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A petitioner fails to establish that findings that a zone change is justified based on evidence of change in the community, where the findings identify two changes in the community that justify the zone change, but the petitioner challenges only the adequacy and evidentiary support for the findings regarding one of the identified changes. *Kine v. City of Bend*, 72 Or LUBA 423 (2015).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Findings are inadequate to establish that rezoning land adjacent to an estuary to allow for urban residential development is consistent with Goal 16, where federal agencies testified that development allowed under the rezone would adversely affect estuarine resources, but the findings do not address that testimony, or evaluate impacts of development on the estuary as Goal 16, Implementation Requirement 1 requires. *Oregon Coast Alliance v. City of Brookings*, 71 Or LUBA 14 (2015).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A zone change applicant's voluntary representations regarding the density and number of parking spaces that could be constructed under the new zoning are not binding on that applicant's subsequent design review application that proposes a higher density and fewer parking spaces, where nothing in the zone change criteria required submittal or approval of development plans, and the hearings officer did not consider or rely upon the applicant's voluntary representations in approving the zone change. *Sellwood-Moreland Improvement League v. City of Portland*, 68 Or LUBA 213 (2013).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. That the county initially adopted a problematic interpretation of the criteria for applying a limited use overlay zone to limit uses allowed on land for which a reasons exception is taken does not provide a basis for reversal or remand, where the county adopted an alternative interpretation that is consistent with the text of the zone change criteria. *Devin Oil Co. v. Morrow County*, 65 Or LUBA 104 (2012).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Under a zone change criterion that requires a finding that the proposed base zone is "best suited" to accommodate the proposed use, in order to apply a limited use overlay zone to limit uses of the property to uses justified in a reasons exception, the fact that other base zones would also accommodate the proposed use does not undermine the county's finding that the proposed tourist commercial zone is best suited, where there is no evidence that the other zones are better suited than the tourist commercial zone, and the reasons exception was expressly justified based on tourist commercial uses and application of the tourist commercial base zone. *Devin Oil Co. v. Morrow County*, 65 Or LUBA 104 (2012).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. LUBA will affirm a governing body's interpretation of a code standard allowing imposition of a limited use overlay zone if "it is required to limit the uses permitted in the proposed zone" by the reasons exception rule at OAR chapter 660, division 4, to employ the overlay zone to limit uses to ensure consistency with Statewide Planning Goal 12 (Transportation), and the need to take an exception to Goal 12, even though the county took reasons exceptions only to other statewide planning goals, where the

county's interpretation is not inconsistent with the express language, purpose or underlying policy of the code standard. *Devin Oil Co. v. Morrow County*, 65 Or LUBA 104 (2012).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A zone change application is not "an application for development of needed housing" within the meaning of ORS 197.307(3)(b) and is not subject to the prohibition in ORS 197.307(6) (2009) against applying criteria that are not "clear and objective" to such applications. *EEC Holdings LLC v. City of Eugene*, 65 Or LUBA 179 (2012).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A governing body's interpretation of a code provision allowing rezoning when "zoning previously adopted for the area was in error" to focus on the parcel to be rezoned rather than the surrounding area is consistent with the text of the provision, and will be affirmed. *O'Brien v. Lincoln County*, 65 Or LUBA 286 (2012).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A petitioner's challenge to alternative findings that a parcel being rezoned was legally created does not provide a basis for reversal or remand, where the petitioner fails to challenge the county's primary finding that the rezoning standards do not require a finding that the parcel was legally created. *O'Brien v. Lincoln County*, 65 Or LUBA 286 (2012).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where a local government adopts a new zone in one legislative decision and then applies that new zone to property in a separate legislative decision, which is then appealed to LUBA, a challenge that the new zone is contrary to the statewide planning goals may be precluded by acknowledgment of the first decision. However, acknowledgment does not insulate the new zone from a facial challenge on statutory or constitutional grounds, advanced in the appeal of the second legislative decision that for the first time applies the new zone to specific properties. *Barnes v. City of Hillsboro*, 61 Or LUBA 375 (2010).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. When zone change approval standards require that the zone change be compatible with *potential* adverse impacts and that there be adequate public services to serve *possible* uses, the local government must consider the potential or likely uses allowed by the zone change in determining whether those approval standards are satisfied. The local government may not defer such considerations until development is proposed. *Santiam Water Control District v. City of Stayton*, 54 Or LUBA 553 (2007).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Under a local code provision that requires evaluation of the traffic impacts caused by "development of the property" being rezoned, in rezoning land to allow for a new aggregate mine the local government is not required to evaluate the cumulative traffic impacts of the new mine along with other mines the applicant operates. *Rickreall Community Water Assoc. v. Polk County*, 53 Or LUBA 76 (2006).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where a zoning map amendment criterion requires the applicant to demonstrate that the uses allowed in the new zone would not "materially and/or adversely affect the character of the neighborhood," selection of too

small an area for analysis could frustrate the purpose of the criterion. However, where petitioners do not show that the area selected was too small and the city's findings explain that the residential to commercial rezoning is in an area that is already a mixed commercial and residential area, petitioners do not demonstrate a basis for remand. *Cornelius First v. City of Cornelius*, 52 Or LUBA 486 (2006).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A standard requiring a finding that the uses allowed by the proposed zoning "can be served through the orderly extension of key urban facilities and services" does not require evaluation of all theoretically possible uses allowed in the new zone. A city does not err in interpreting such a standard as being satisfied by evidence that uses likely to be developed under the new zone, given the property's size and other constraints, can be served by key urban facilities and services. *Bothman v. City of Eugene*, 51 Or LUBA 426 (2006).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A city does not err in assuming that two developed lots that are part of a five-lot tract will not be redeveloped when rezoned, for purposes of a rezoning standard requiring that uses allowed in the proposed zoning can be served by urban services, including transportation facilities, where the applicant does not propose redevelopment and the code requires a similar evaluation when property is redeveloped. *Bothman v. City of Eugene*, 51 Or LUBA 426 (2006).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A rezoning criterion requiring that the site be "suitable" for the proposed medium-density residential zone requires an assumption that the property will develop with the multi-family dwelling units allowed in the proposed zone, but does not necessarily require the local government to speculate as to the particular quality or density of actual development. *Kingsley v. City of Sutherlin*, 49 Or LUBA 242 (2005).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. The predicate for correcting the zoning map is a mismatch between the map and one or more underlying ordinances that authorize zoning map changes. That process cannot be used to change the zoning map designation to reflect amendments that no ordinance has ever authorized. *Sullivan v. Polk County*, 49 Or LUBA 543 (2005).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Remand is necessary to reconsider what plan policies apply to a proposal to rezone property from one commercial zone to another, when the findings are predicated on an erroneous assumption that the property is plan designated medium density residential rather than commercial. *Knutson Family LLC v. City of Eugene*, 48 Or LUBA 399 (2005).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Given the ubiquity of land use regulations governing contemporary zoning decisions, it is doubtful whether the "spot zoning" standard described in *Smith v. Washington County*, 241 Or 380, 406 P2d 545 (1965), continues to have independent applicability. Whether a rezoning decision constitutes arbitrary or spot zoning depends on whether the decision is made in derogation of established criteria or made without criteria. *NWDA v. City of Portland*, 47 Or LUBA 533 (2004).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A city's refusal to interpret a zoning ordinance standard that requires that requested rezoning must be the "best suited for the specific site, based on specific policies of the * * * [c]omprehensive [p]lan" to require that the applicant demonstrate a current unmet need for the uses allowed in the requested zone is not reversible under ORS 197.829(1), where no plan policy is worded to impose that requirement. *Dimone v. City of Hillsboro*, 44 Or LUBA 698 (2003).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Although a city might reasonably interpret a rezoning criterion that requires application of the "best suited" zone to require that an applicant demonstrate a need for the uses that would be allowed under the requested zoning, a city might also reasonably reject that interpretation and find that current land use needs are not relevant to its decision regarding which zoning district is "best suited." *Dimone v. City of Hillsboro*, 44 Or LUBA 698 (2003).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A county is within its discretion under ORS 197.829(1) in interpreting a code provision requiring a showing of "public need" for "rezonings," to apply only to map amendments to a base zone, and not to map amendments to an overlay zone. *Doty v. Jackson County*, 43 Or LUBA 34 (2002).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A local government is within its discretion under ORS 197.829(1) to interpret a standard requiring that "other lands in the county" be unavailable for the uses allowed under proposed rezoning to be satisfied by examining lands in the vicinity of the subject property, and not to require consideration of all lands throughout the entire county. *Friends of Yamhill County v. Yamhill County*, 43 Or LUBA 97 (2002).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Although market demand for rural residential housing is not sufficient to establish "need" for such housing for purposes of taking an exception to statewide planning goals governing rural resource lands, there is no reason why market demand cannot suffice to establish "need" for rural residential housing for purposes of a local rezoning standard, nor any reason why such need must be evaluated against the county's Goal 10 inventory. *Friends of Yamhill County v. Yamhill County*, 43 Or LUBA 97 (2002).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. An application to change a unified comprehensive plan and zoning map does not in itself require a "discretionary approval of a proposed development of land" and is therefore not an application for a "permit" within the meaning of ORS 215.402(4). *Rutigliano v. Jackson County*, 42 Or LUBA 565 (2002).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A local zone change criterion that requires a showing that "there is an existing, demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the use allowed by the zone" is not satisfied by determining that there is a lack of residentially zoned land within a five-mile study

area, where the study did not include consideration of the "importance of [the use] to the citizenry or the economy of the area," and did not consider the suitability of other appropriately zoned land for the use allowed by the zone. *DLCD v. Yamhill County*, 42 Or LUBA 126 (2002).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A city is within its discretion under ORS 197.829(1) in interpreting code language providing for "certain limited commercial" uses within a Residential Transitional zone as not limiting commercial uses to those listed in the Limited Commercial zone. *Chilla v. City of North Bend*, 41 Or LUBA 539 (2002).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where a zone change criterion requires that an area have a "historical commitment to commercial uses" and the county governing body finds that criterion is met by a property that has been vacant for 11 years but was used for commercial purposes for the prior 65 years, LUBA will defer to that interpretation under ORS 197.829(1) and *Clark v. Jackson County*, 313 Or 508, 836 P2d 710 (1992). *Swyter v. Clackamas County*, 40 Or LUBA 166 (2001).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where a zoning map is part of the city's zoning ordinance, an amendment of the zoning map constitutes a land use regulation amendment, within the meaning of OAR 660-012-0060, and must meet the requirements of OAR 660-012-0060(1) if the zoning map amendment will significantly affect a transportation facility. *Adams v. City of Medford*, 39 Or LUBA 464 (2001).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where a city's finding that a zoning map amendment will not significantly affect transportation facilities is based on a lengthy transportation impact study, and petitioner attacks that finding based on other evidence of questionable relevance without developing any arguments challenging the transportation impact study, petitioner provides no basis for reversal or remand. *Adams v. City of Medford*, 39 Or LUBA 464 (2001).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A city may demonstrate compliance with a zoning change criterion that requires that the identified public need will be best served by rezoning the proposed site by showing that other sites, individually or as a group, are inferior to the proposed site. *Hubenthal v. City of Woodburn*, 39 Or LUBA 20 (2000).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Remand is appropriate where the county's decision rezones 10 acres of a 121-acre farm/forest parcel to allow the landowner to site a nonresource dwelling, without explaining why the rezone is consistent with a code provision prohibiting rezoning that affords "special privileges to an individual property owner not available to the general public." *McLane v. Klamath County*, 37 Or LUBA 888 (2000).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. In determining whether rezoning of land from multi-family to single-family residential uses is consistent with Goal 10 and the city's obligation to provide for multi-family dwellings, the relevant inquiry is not limited by the amount of land designated for multi-family residential uses. The city can take into account multi-family dwellings that have been approved in other zones in determining whether the

proposed rezoning is consistent with the city's obligation to provide a sufficient number of multi-family dwellings. *Herman v. City of Lincoln City*, 36 Or LUBA 521 (1999).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where the notice of hearing contained an error in identifying the zoning map designation being requested, the error provides no basis for reversal or remand where the error had no effect on the approval standards the zone change request was subject to and therefore resulted in no prejudice to petitioner. *Sanders v. Yamhill County*, 34 Or LUBA 69 (1998).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. In approving comprehensive plan and zoning map amendments, the county's findings must demonstrate that Goal 14 is satisfied without reliance on past practices or on plan and code provisions that are subject to revision during periodic review. *Brown v. Jefferson County*, 33 Or LUBA 418 (1997).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. In approving a zone map amendment, the county cannot support a required finding of adequate water on the subject parcel solely by relying on evidence of water on nearby parcels, absent an explanation how that evidence leads to the conclusion that the subject parcel has adequate water, or an interpretation of the county code such that it requires only a showing of adequate water in the area. *Doob v. Josephine County*, 32 Or LUBA 364 (1997).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. The statewide goals apply independently to a county's zoning amendment where the comprehensive plan specifies that zone changes must comply with applicable statewide goals. *Doob v. Josephine County*, 32 Or LUBA 364 (1997).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where the county attempts to apply a rural residential zoning density in an irrevocably committed exception area, a conclusory finding that redesignation of the subject parcel will not cause adjacent resource lands to satisfy working paper guidelines for irrevocably committed exceptions does not substitute for the actual analysis required under OAR 660-04-018(2)(b)(B) regarding the potential commitment of adjacent resource lands to nonresource use. *Johnson v. Lane County*, 31 Or LUBA 454 (1996).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. That an existing conditional use asphalt batch plant could be a permitted use under a county's mineral and aggregate overlay zone does not require that the county incorporate the conditional use into a decision approving application of the overlay zone to an area including the existing conditional use or that the county re-approve the conditional use as part of the decision applying the overlay zone. *Mission Bottom Assoc. v. Marion County*, 29 Or LUBA 281 (1995).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where an ordinance changing the plan and zone designations of the subject property provides the property will revert to its former designations if a final order denying a conditional use permit (CUP) for a mobile home park is issued, the local governing body acts within its interpretive discretion in deciding the contingency is not met when LUBA remands a local government decision approving a CUP for a

mobile home park and the local government does not take further action on that application. *Burghardt v. City of Molalla*, 29 Or LUBA 223 (1995).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. By definition, all land outside an acknowledged UGB and not the subject of an exception to Goal 14 is "rural" land. When amending its acknowledged comprehensive plan and zone designations for such land, a local government must demonstrate that the new plan and zone designations comply with Goal 14 or adopt an exception to Goal 14. *Churchill v. Tillamook County*, 29 Or LUBA 68 (1995).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. In adopting a quasi-judicial comprehensive plan and land use regulation amendment, a local government is obligated either to demonstrate compliance with the Transportation Planning Rule (TPR) or, alternatively, establish that the TPR does not apply. *ONRC v. City of Seaside,* 29 Or LUBA 39 (1995).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where respondents do not identify specific provisions in the applicable comprehensive plan, which they contend provide the basis for challenged zone changes, under ORS 197.825(5)(b) LUBA is required to reverse or remand the zone changes if they do not comply with applicable provisions of the Statewide Planning Goals or their implementing rules. *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670 (1995).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. When adopting post-acknowledgment plan and zone map amendments affecting residentially designated land within an urban growth boundary, a local government must demonstrate that it continues to satisfy its Goal 10 obligation to maintain an adequate inventory of buildable lands. *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670 (1995).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A local government decision changing the comprehensive plan and zone designations of land with identified Goal 5 resources, must identify conflicting uses potentially allowable under the proposed new designations. *Welch v. City of Portland*, 28 Or LUBA 439 (1994).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where the comprehensive plan requires a zone change application to demonstrate the chosen site is superior or equal to alternative sites, findings that simply state no one identified alternative sites during the local proceedings are inadequate to establish compliance with the plan standard. *Neuman v. City of Albany*, 28 Or LUBA 337 (1994).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where a local government wishes to defer a determination of compliance with a code zone change standard requiring that storm sewers can accommodate potential development, it must, at a minimum, identify in the challenged decision feasible engineering solutions to accommodate storm water runoff and require that such solutions be in place prior to development. *Neuman v. City of Albany*, 28 Or LUBA 337 (1994).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. In determining whether land subject to a proposed comprehensive plan and zone map change is composed of predominantly Class I-IV soils, as required by OAR 660-33-020(1)(a)(A), it is permissible for a local government to examine only the acreage under consideration. *DLCD v. Curry County*, 28 Or LUBA 205 (1994).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. In determining whether land subject to a proposed comprehensive plan and zone map change is (1) suitable for farm use, (2) necessary to permit farm use on other agricultural land, or (3) intermingled with lands of Class I-IV soils; as required by OAR 660-33-020(1)(a)(B) to (C) and (b); a local government's analysis must include all property in common ownership with the subject land. *DLCD v. Curry County*, 28 Or LUBA 205 (1994).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where a county proposes to change the zoning of agricultural land designated Farm/Forest on its comprehensive plan map, a standard that "the purpose of the Comprehensive Plan and Zoning Ordinance will be carried out by approving the proposal" requires the county to explain how the proposed zone change carries out the purpose of the Farm/Forest plan designation and the plan agricultural goals. *DLCD v. Polk County*, 27 Or LUBA 345 (1994).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where property is the subject of a concurrent comprehensive plan map amendment and zone change, the zone change is made under an unacknowledged plan amendment and must comply with those statewide planning goals applicable to the unacknowledged plan amendment. ORS 197.175(2)(e) and 197.625(3)(b). *Roloff v. City of Milton-Freewater*, 27 Or LUBA 256 (1994).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A comprehensive plan policy governing "establish[ment] and change" of an urban growth boundary is not applicable to a local government decision amending the plan and zoning map designations of property that is entirely within the urban growth boundary. *Roloff v. City of Milton-Freewater*, 27 Or LUBA 256 (1994).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A local government can show an amendment to its acknowledged comprehensive plan and zoning maps complies with Goal 12 (Transportation) by establishing either (1) there is a safe and adequate transportation system to serve development under the proposed map designations, or (2) development of the property under the proposed designations will not create greater or different transportation demands and impacts than development under the existing, acknowledged designations. *ODOT v. Clackamas County*, 27 Or LUBA 141 (1994).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. ORS 197.752(1) imposes a general planning obligation on local governments; it is not an approval standard directly applicable to rezoning or annexation decisions. *Sorte v. City of Newport*, 26 Or LUBA 236 (1993).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where nothing requires a local government to determine whether the subject property is a "legal lot" as a

prerequisite to approving a plan amendment and zone change, it is unnecessary for the local government to determine whether the subject property constitutes a lawfully created parcel. *Makepeace v. Josephine County*, 25 Or LUBA 370 (1993).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where a local government approves a zone change to protect a Goal 5 resource site, compliance with the Goal 5 planning process is sufficient to establish satisfaction of a local code requirement that a zone change "shall not be contrary to the public interest." *Gonzalez v. Lane County*, 24 Or LUBA 251 (1992).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where a comprehensive plan policy provides that a change from a 10-acre minimum zone to a five-acre minimum zone requires that "parcels are generally five acres," a county's interpretation of this policy to require consideration of the entire 10-acre minimum zoned area that includes the subject property is not "clearly contrary" to the terms of, or "inconsistent with the express language" or "apparent purpose and policy" of, the plan policy and must be upheld. *Thatcher v. Clackamas County*, 24 Or LUBA 207 (1992).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. In applying a zone change criterion requiring that there be an error in "the zoning adopted for the area," the appropriate focus is on the time and circumstances under which the existing zoning of the area was applied. *Recht v. City of Depoe Bay*, 24 Or LUBA 129 (1992).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. That different zoning may provide additional flexibility in developing property provides no basis for finding there was an error in applying the existing zoning to the property. *Recht v. City of Depoe Bay*, 24 Or LUBA 129 (1992).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where a petitioner alleges a zoning map amendment violates plan policies and an LCDC administrative rule, a local government is obligated to adopt findings explaining either why the plan policies and rule do not apply to the disputed zone change or why the zone change is consistent with the plan policies and rule. *Recht v. City of Depoe Bay*, 24 Or LUBA 129 (1992).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. If property is not included in the Goal 5 inventory of the acknowledged comprehensive plan, and a proposed zone change does not affect that inventory, a local government is not required to consider whether the property should be included on that inventory. *Larson v. Wallowa County*, 23 Or LUBA 527 (1992).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A local zoning map amendment standard requiring that there be a "need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area," requires that the local government adequately identify and justify the area selected for the required analysis. *Friedman v. Yamhill County*, 23 Or LUBA 306 (1992).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A local zoning map amendment standard requiring that there be a "need for the particular uses allowed by the requested zone," is not satisfied by findings that there is a need for rural housing on 2.5-acre lots where there is no attempt to explain why the rural housing need cannot be satisfied on vacant rural land zoned to allow rural residential development with one and five-acre minimum lot sizes. *Friedman v. Yamhill County*, 23 Or LUBA 306 (1992).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A local zoning map amendment standard requiring that there be a "need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area," is not met where the findings simply assume the importance of rural housing to the citizenry or economy of the area. *Friedman v. Yamhill County*, 23 Or LUBA 306 (1992).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A local zoning map amendment standard requiring demonstration of a need to rezone property for rural residential development is not satisfied where the record shows a significant amount of vacant property currently zoned to allow such rural residential development. The local government may not assume such land is not "available" for rural residential development simply because it is not currently listed for sale. *Friedman v. Yamhill County*, 23 Or LUBA 306 (1992).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where a code zone change approval standard requires there be a "demand" for the "uses listed in the proposed zone at the proposed location," and the code also requires consideration of "the public interest" in allowing the zone change and the "availability of other appropriate[ly] zoned property," the desire of an individual property owner for a particular use on a particular parcel is not sufficient, in and of itself, to constitute a "demand." *DLCD v. Clatsop County*, 23 Or LUBA 173 (1992).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A proposal to rezone a parcel of land outside of an urban growth boundary from an exclusive farm use zone to a medium density residential zone requires that the local government demonstrate compliance with Goals 3, 5, 6, 11 and 12, or that an exception to those goals be adopted. *Caine v. Tillamook County*, 22 Or LUBA 687 (1992).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A local code provision establishing general approval criteria for nonlegislative zone changes does not apply to changes in overlay zone boundaries which are controlled by comprehensive plan inventory maps identifying the location and physical characteristics of certain types of resource areas. *Gray v. Clatsop County*, 22 Or LUBA 270 (1991).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Amendments of acknowledged comprehensive plans and land use regulations must be consistent with controlling provisions of the acknowledged comprehensive plan. *DLCD v. Polk County*, 21 Or LUBA 463 (1991).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where a comprehensive plan provides two agricultural plan map designations, which are applied based on

characteristics of the agricultural lands, but includes no standards for determining which designation to apply to properties with some of the characteristics of each, a decision to change the plan map designation from one to the other does not violate the plan. *DLCD v. Polk County,* 21 Or LUBA 463 (1991).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. There is no rule of general applicability to local government plan/zone change proceedings which requires a local government to consider the most intensive uses possible under the new plan/zone designation when approving a plan/zone change. *Brown & Cole, Inc. v. City of Estacada,* 21 Or LUBA 392 (1991).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. While a local government cannot rely upon evidence of changed circumstances since adoption of its comprehensive plan to justify *noncompliance* with plan approval criteria for plan and zone map amendments, it may be able to rely upon evidence of changed circumstances as a basis for finding *compliance* with applicable plan and zone map amendment approval criteria. *Brown & Cole, Inc. v. City of Estacada,* 21 Or LUBA 392 (1991).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. When rezoning property, possible impacts of other more intensive uses permissible under the proposed zone may have to be considered where the proposed use is not among the more intensive uses allowed in the zone or there is little assurance the property will be used for the proposed use or a comparably intensive use. *Wethers v. City of Portland,* 21 Or LUBA 78 (1991).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Comprehensive plan goals and policies that are worded as broad standards establishing policy direction for the local government in its comprehensive planning efforts are not approval standards for quasi-judicial zone changes. *Angel v. City of Portland,* 21 Or LUBA 1 (1991).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. There is no rule of general applicability that in all local government plan/zone change proceedings, the impacts of the most intensive uses allowed under the new designation must be considered. *Shirley v. Washington County,* 20 Or LUBA 127 (1990).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A comprehensive plan statement that separation of use types along topographic, natural vegetation, and other features is "desirable" does not establish an approval criterion applicable to plan and zone map amendments. *Bridges v. City of Salem,* 19 Or LUBA 373 (1990).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where the subject property qualifies as forestland under provisions of the county's acknowledged comprehensive plan, and petitioner does not explain why the acknowledged plan standards do not control, an exception to Statewide Planning Goal 4 is required before the subject property can be redesignated and rezoned for nonforest uses. *Chambers v. Clackamas County,* 19 Or LUBA 355 (1990).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. Where a local government uses a two-stage approval process and determines whether a proposed zoning map

amendment complies with applicable goal, plan and land use regulations in the first stage, petitioners may not fail to appeal the first stage approval decision and later assert goal, plan and land use regulation violations in a challenge of the local government's decision granting approval of the second stage. *Headley v. Jackson County*, 19 Or LUBA 109 (1990).

30.2.5 Zoning Ordinances – Amendment – Map Amendment: Standards. A "public need" criterion that requires determining whether additional land for a proposed destination resort (DR) is required "in consideration of that amount already provided by the current zoning district within the area to be served" only requires consideration of other land already designated DR, not other areas which are eligible for DR siting. *Foland v. Jackson County*, 18 Or LUBA 731 (1990).