45.4 Conditions of Approval – Consents to Annexation. Where a city's code lists a number of "factors" to be considered in approving an annexation, including "[a]dequacy and availability of public facilities and services to service potential development," but the city's code does not require that the city identify how infrastructure will be paid for, or by whom, as part of an annexation decision, and the city's findings suggest the city's capital improvement program (CIP) will be amended prior to development to list the new water main as a public facility, although the city does not intend to rely upon the CIP as a source of funding or authority for the new water main, petitioners have not established a CIP amendment must be required as a condition of approval or that the city otherwise erred in assigning a positive value to this factor in approving the proposed annexation. *Renken v. City of Oregon City*, 79 Or LUBA 82 (2019).

45.4 Conditions of Approval – Consents to Annexation. Where a city rezones a portion of a property designated mixed use corridor (MUC) on the city's comprehensive plan, from FU-10 (future urban 10-acre) to NC (neighborhood commercial), and petitioners argue that the NC zone is inconsistent with the city's comprehensive plan which directs the city to "[f]ocus transit-oriented, higher intensity, mixed-use development along selected transit corridors," because the subject property is not near a transit corridor, petitioners' premise—that the MUC plan designation is used only where the city intends to promote transit-oriented development along transit corridors—is incorrect. The MUC plan designation is implemented by four commercial zoning districts: one of which is the NC zone, which is not a transit-oriented zone, and is clearly not intended to be placed along transit corridors. Therefore, the city's decision to rezone its property to NC is not inconsistent with the property's MUC comprehensive plan designation. *Renken v. City of Oregon City*, 79 Or LUBA 82 (2019).

45.4 Conditions of Approval – Consents to Annexation. Petitioners fail to establish that the city erred in concluding that rezoning a property to neighborhood commercial is consistent with Statewide Planning Goal 5 when the rezoning the subject property constitutes a PAPA for purposes of applying Goal 5, which provides that local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource by allowing new uses that "could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list." The city's PAPA is a very limited one, that in relevant part simply applies the zones implementing the city's comprehensive plan designations that the acknowledged comprehensive plan has already designated for the corresponding uses. Because the challenged PAPA simply implements that acknowledged plan designation choice with the exercise of little or no discretion, the PAPA does not authorize any "new uses" for purposes of OAR 660-023-0250(3) and Goal 5. *Renken v. City of Oregon City*, 79 Or LUBA 82 (2019).

45.4 Conditions of Approval – Consents to Annexation. Where a city's code does not expressly authorize a city to impose a condition requiring annexation on its decision approving an application to partition unincorporated land, but the code only authorizes the city to approve partitions of unincorporated lands that are subject to an annexation agreement and the city's only other option would be to deny the partition application, the city correctly interprets its code to approve the application with the annexation agreement condition. *Wickham v. City of Grants Pass*, 53 Or LUBA 261 (2007).