

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. While an annexation must be made in compliance with a city’s acknowledged comprehensive plan, no statute or administrative rule requires that in annexing territory the city must contemporaneously amend its comprehensive plan map to depict the new city boundaries. *Link v. City of Florence*, 58 Or LUBA 348 (2009).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. A decision that amends the comprehensive plan and zoning maps for a 20-acre parcel in single ownership is properly viewed as a quasi-judicial decision under *Strawberry Hill 4 Wheelers*, and therefore the county erred in conducting the hearing and adopting the decision under legislative procedures, which do not provide written notice to adjoining landowners. *Sullivan v. Polk County*, 49 Or LUBA 543 (2005).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. Although a complete failure to provide advanced published notice pursuant to ORS 215.060 renders an ordinance of “no legal effect,” if published notice is provided, challenges to the adequacy of that notice are analyzed as procedural errors and provide a basis for reversal or remand if such errors prejudice a petitioner’s substantial rights. *Ramsey v. Multnomah County*, 44 Or LUBA 722 (2003).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. ORS 215.503 (2003) requires a county to provide mailed written notice of the first hearing on an ordinance to property owners whose property could be rezoned due to a comprehensive plan amendment, but it does not require additional public notice every time LUBA remands an ordinance. *Ramsey v. Multnomah County*, 44 Or LUBA 722 (2003).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. Because ORS 215.060 specifically provides that a county’s failure to provide notice of an action regarding its plan as required by the statute shall result in the county’s action having “no legal effect,” LUBA may not overlook a county’s failure to provide the notice required by ORS 215.060, notwithstanding that the lack of notice did not prejudice petitioner’s substantial rights. *Ramsey v. Multnomah County*, 43 Or LUBA 25 (2002).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. Mailing individual notice of a proposed comprehensive plan amendment to affected property owners is not sufficient to meet the requirement under ORS 215.060 that a county publish notice of such action in a “newspaper of general circulation” or “in the territory * * * concerned.” *Ramsey v. Multnomah County*, 43 Or LUBA 25 (2002).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. ORS 216.060 provides that a county may give notice of a plan amendment by mail, radio, television or other means *in addition to* publishing notice in a “newspaper of general circulation,” but the statute does not allow a county to provide notice by such other means *instead of* by publication in a newspaper. *Ramsey v. Multnomah County*, 43 Or LUBA 25 (2002).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. Where a county has a unified zoning map and comprehensive plan map, any application for a zoning map amendment is by necessity also an application for a comprehensive plan map amendment. A combined zoning and comprehensive plan map amendment application is not one of the three kinds of land use applications described in ORS 215.427(1), and for that reason the fixed goal post rule at ORS 215.427(3) does not apply. *Rutigliano v. Jackson County*, 42 Or LUBA 565.

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. Neither Goal 2 nor ORS 197.175(2) require that zoning ordinance amendments that are necessary to implement a comprehensive plan map amendment be adopted at the same time as the plan amendment. *Neighbors for Livability v. City of Beaverton*, 37 Or LUBA 408 (1999).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. Findings that express confidence that particular existing zoning districts could be applied to implement a conditional plan map amendment are legally irrelevant, where the decision to amend the zoning map to implement the new plan map designation is deferred to a later date. *Neighbors for Livability v. City of Beaverton*, 37 Or LUBA 408 (1999).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. Imposition of an ineffective condition as part of a comprehensive plan map amendment may result in remand where the condition is necessary to ensure compliance with a relevant approval criterion. However, such an ineffective condition does not provide a basis for reversal or remand where it is not shown that the condition is necessary to ensure compliance with plan map amendment approval criteria. *Neighbors for Livability v. City of Beaverton*, 37 Or LUBA 408 (1999).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. Goal 2 does not forbid a comprehensive plan map amendment that will revert in two years to the previously existing acknowledged plan map designations, under specified conditions. *Neighbors for Livability v. City of Beaverton*, 37 Or LUBA 408 (1999).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. Where a comprehensive plan map amendment adopts a plan map designation that authorizes several zoning districts, LUBA will assume the city will later apply the zoning districts that will comply with housing goals, rather than zoning districts that might violate those housing goals. If inappropriate zoning districts are applied later, the decisions adopting those zoning districts can be corrected through an appeal of those zoning map decisions. *Neighbors for Livability v. City of Beaverton*, 37 Or LUBA 408 (1999).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. Substantial evidence supports a city council's finding that the planning commission, rather than a neighborhood association, "initiated" a plan and zone map change as required by local ordinance, where the planning commission was informed of the ordinance requirement, and voted to conduct proceedings on the request of the

neighborhood association to consider the map change. *Herman v. City of Lincoln City*, 36 Or LUBA 521 (1999).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. A quasi-judicial plan and zone map amendment initiated by the city planning commission is an “application for a land use decision,” for purposes of the notice requirements of ORS 197.763(3), and thus the city’s notice of hearing must list the applicable criteria from its ordinance and plan. *Herman v. City of Lincoln City*, 36 Or LUBA 521 (1999).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. When the city does not deliver notice of a comprehensive plan map amendment and facilities plan amendment to DLCD, as required by ORS 197.615(1), the amendments will not be deemed acknowledged under ORS 197.625(1) by the passage of time. *DLCD v. City of St. Helens*, 29 Or LUBA 485 (1995).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. There is no requirement that a legislative land use decision redesignating numerous properties include findings specifically setting out the justification for the change in designation made for each affected property. *McInnis v. City of Portland*, 27 Or LUBA 1 (1994).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. Changing acknowledged plan map designations for industrially designated lands to allow a combination of industrial, commercial and residential uses does not violate the Goal 9 requirement that a local government have sufficient suitable industrially designated sites, where the local government will have more than enough constraint-free industrially designated land to meet projected needs, notwithstanding the plan map amendments. *Neste Resins Corp. v. City of Eugene*, 23 Or LUBA 55 (1992).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. A local government may not condition approval of zoning and comprehensive plan map amendments on an applicant's agreement to relinquish a right granted in a prior land use decision, unless there is a sufficient connection between the requested map amendments and the prior land use decision. *Olson Memorial Clinic v. Clackamas County*, 21 Or LUBA 418 (1991).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. Although detailed findings are not always required to justify conditions of land use approval, the evidentiary record must be sufficient to demonstrate a connection between the condition imposed and the planning purpose served by the condition. *Olson Memorial Clinic v. Clackamas County*, 21 Or LUBA 418 (1991).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. Where the evidentiary record demonstrates that the proposed expansion of a medical clinic is needed to provide adequate facilities for existing patients and staff and would not result in additional patients or staff, the local government improperly conditioned approval of required plan and zoning map amendments on the clinic's agreement to relinquish a

previously granted approval for parking lot egress onto an adjoining street. *Olson Memorial Clinic v. Clackamas County*, 21 Or LUBA 418 (1991).

29.2.4 Comprehensive Plans – Amendment – Map Amendment: Procedure. ORS 215.431 does not apply to designated forestlands and, therefore, comprehensive plan amendments concerning such forestlands must be adopted by the county governing body. *Wickwire v. Clackamas County*, 21 Or LUBA 278 (1991).