

City Council's Interpretation of General Plan Prevails Despite Conflict With Plan's Land Use Map

A city council has sweeping authority to interpret the city's general plan. That authority trumped a successful referendum campaign designed to block a residential development project, according to the court's decision in [Orange Citizens for Parks and Recreation v. Superior Court](#), Case No. G047013 (4th App. Dist., July 10, 2013). The court held that the city didn't *need* to amend its general plan in order clean up an ambiguity in the plan when approving a residential project, so the referendum overturning a clarifying plan amendment the city council adopted was of no consequence.

In 1973 the City of Orange adopted a resolution to include its Orange Park Area Plan in the city's general plan. The area plan designated an existing golf course for open space and low density residential use. Despite the resolution, the general plan land use map and text were never amended to reflect this designation; as of 2010, the general plan identified the site as open space that "should not be developed." The general plan also stated, however, that the Orange Park Area Plan was "currently in effect."

In 2011, the city council approved a low density residential development for the golf course site. The council found the project consistent with the existing general plan, but it also approved an amendment to "make the general plan land use designations consistent throughout the general plan." Project opponents initiated a successful referendum which rejected the general plan amendment.

The court of appeal ruled the city's approval of the project was still valid, concluding the general plan amendment was unnecessary for four separate reasons: :

- Because reasonable persons could disagree about the contents of the general plan and the project's consistency with it, the city council determination that the project was consistent with the general plan without any amendment was not arbitrary
- While there is some legal authority for the primacy of the contents of public documents over resolutions that have been forgotten by the planning agency, that authority was factually and procedurally distinguishable
- The city council could reasonably conclude that later-adopted general plans did not supersede the Orange Park Area Plan; legislative intent is key and a general plan's policy map is not the end of the analysis
- The claimed internal inconsistency which remained in the general plan after the referendum rejected the clean-up amendment did not undermine the project approvals because the city council reasonably concluded that the general plan's open space designation was an error and not a substantive inconsistency

The *Orange Citizens* case highlights the exceptional degree of deference courts afford to cities and counties when considering plan interpretation questions under the "arbitrary or capricious" standard. Cities and counties have unique competence to interpret and apply the policies in the plans they have adopted, and courts will not interfere unless the city or county's interpretation of its own policies is so highly implausible or illogical that no reasonable person could agree with it.

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