

**1.3.2 Administrative Law – Findings Generally – Necessary Elements.** The failure of a decision maker to list all of the evidence relied upon in making a decision is not necessarily fatal as long as the response brief directs LUBA to evidence in the record that supports the critical findings in the decision. *Lawrence v. Clackamas County*, 46 Or LUBA 101 (2003).

**1.3.2 Administrative Law – Findings Generally – Necessary Elements.** When a local decision maker denies a person standing to participate in the local proceeding, the local decision maker must explain why that person was denied standing. *Swanson v. Jackson County*, 46 Or LUBA 629 (2004).

**1.3.2 Administrative Law – Findings Generally – Necessary Elements.** The primary purpose of OAR 660-021-0030(5) is to develop findings that can form the basis of comprehensive plan language to guide future urbanization decisions. Thus, OAR 660-021-0030(5) requires that the local government adopt findings describing the results of its consideration of the suitability criteria in OAR 660-010-0030(2) for all lands included in urban reserves. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

**1.3.2 Administrative Law – Findings Generally – Necessary Elements.** Where a local government includes lands in urban reserves under one or more of the exceptions provided in OAR 660-021-0030(4), it must adopt findings as required by OAR 660-021-0030(5) that are sufficient to ensure that those lands are developed in accordance with the justification for including them in urban reserves. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

**1.3.2 Administrative Law – Findings Generally – Necessary Elements.** A county impermissibly defers a finding of compliance with a standard requiring that the lot be capable of being served with a domestic water supply, where there is no evidence or finding that an adequate domestic water supply is feasible, and the county's finding of compliance relies exclusively on a condition requiring that the applicant establish a domestic water supply. *Thomas v. Wasco County*, 35 Or LUBA 173 (1998).

**1.3.2 Administrative Law – Findings Generally – Necessary Elements.** Findings are inadequate where a local government's decision makes conclusory statements of compliance with the applicable approval criteria without giving any factual or legal analysis to support the conclusion that the application complies with each of the criteria. *Larvik v. City of La Grande*, 34 Or LUBA 467 (1998).

**Administrative Law – Findings Generally – Necessary Elements.** Findings that the applicant has testified that applicable criteria will be met are conclusory and inadequate because they fail to identify the review standards, set out the facts relied upon or explain how those facts led to the decision. *Turrell v. Harney County*, 34 Or LUBA 423 (1998).

**1.3.2 Administrative Law – Findings Generally – Necessary Elements.** Findings are adequate and supported by substantial evidence when the decision maker assembles evidence, identifies the relevant code standard, sets out the evidence found to be

persuasive and explains how that evidence led to the decision. *Mountain Gate Homeowners v. Washington County*, 34 Or LUBA 169 (1998).

**1.3.2 Administrative Law – Findings Generally – Necessary Elements.** When a challenged decision fails to incorporate a staff report or council minutes as findings, LUBA's review of the challenged decision for adequate findings is limited to the decision itself. *Hackler v. City of Hermiston*, 33 Or LUBA 755 (1997).

**1.3.2 Administrative Law – Findings Generally – Necessary Elements.** Local findings addressing an approval criterion may be viewed together with findings in other documents that are incorporated into the decision as findings, in order to comply with the requirements that findings identify the applicable criteria, adequately demonstrate the facts relied upon and adequately explain how those facts show compliance with the applicable criteria. *Winkler v. City of Cottage Grove*, 33 Or LUBA 543 (1997).

**1.3.2 Administrative Law – Findings Generally – Necessary Elements.** Local government findings of compliance with an applicable approval standard must state the facts the local government relies on and explain why those facts lead to the conclusion that the standard is satisfied. *Reeves v. Yamhill County*, 28 Or LUBA 123 (1994).

**1.3.2 Administrative Law – Findings Generally – Necessary Elements.** Findings must identify relevant approval standards, identify the facts relied upon, and explain why those facts support a conclusion that the standard is met. *Testa v. Clackamas County*, 26 Or LUBA 357 (1994).

**1.3.2 Administrative Law – Findings Generally – Necessary Elements.** A local government decision approving a permit will be remanded to the local government if the decision fails to (1) identify the relevant approval standards, (2) set out the facts believed and relied upon by the local decision maker, and (3) explain how those facts lead to a decision that the proposal complies with the approval standards. *Lathrop v. Wallowa County*, 25 Or LUBA 693 (1993).

**1.3.2 Administrative Law – Findings Generally – Necessary Elements.** A local government decision approving a quasi-judicial zone change must be supported by written findings identifying the applicable criteria, setting out the facts relied on and explaining the reasons why the facts establish compliance with the applicable standards. *Strecker v. City of Spray*, 25 Or LUBA 264 (1993).

**1.3.2 Administrative Law – Findings Generally – Necessary Elements.** Findings must (1) identify the relevant approval standards, (2) set out the facts which are believed and relied upon, and (3) explain how those facts lead to the decision on compliance with the approval standards. *Heiller v. Josephine County*, 23 Or LUBA 551 (1992).