

1.4.5 Administrative Law – Adequacy of Findings – Related Findings. An assignment of error that a decision maker erroneously characterized a nonconforming use application as an application to “change” rather than “expand” the nonconforming use does not provide a basis for reversal or remand, where the local approval criteria for both changes and expansions require a finding of no greater adverse impacts, and petitioner does not challenge findings that the proposed change/expansion results in greater adverse impacts. *Campers Cove Resort v. Jackson County*, 61 Or LUBA 62 (2010).

1.4.5 Administrative Law – Adequacy of Findings – Related Findings. Where a local government adopts findings regarding a code provision that contains language that is almost identical to the challenged code provision and that requires the same analysis as the challenged code provision, those findings may be relied on to demonstrate compliance with both code provisions. *Greenhalgh v. Columbia County*, 54 Or LUBA 626 (2007).

1.4.5 Administrative Law – Adequacy of Findings – Related Findings. Findings demonstrating compliance with an approval criterion that requires that a proposed RV park be compatible with surrounding residential areas based, in part, on vegetative screening are not sufficient to demonstrate compliance with a comprehensive plan policy requiring buffer zones between residential areas and conflicting land uses. *Jacobsen v. City of Winston*, 51 Or LUBA 602 (2006).

1.4.5 Administrative Law – Adequacy of Findings – Related Findings. Finding compliance with an approval standard by incorporating findings that address other standards may be insufficient where the standards are not identical and the findings do not address the differences. *Sisters Forest Planning Comm. v. Deschutes County*, 48 Or LUBA 78 (2004).

1.4.5 Administrative Law – Adequacy of Findings – Related Findings. While it might be error for a local government to rely on findings demonstrating compliance with a less rigorous “balancing” standard to demonstrate compliance with a more rigorous “no adverse impact” standard, the reverse is not necessarily true: the local government may be able to rely on findings of compliance with the more rigorous standard to demonstrate compliance with a less rigorous standard. *Cadwell v. Union County*, 48 Or LUBA 500 (2005).

1.4.5 Administrative Law – Adequacy of Findings – Related Findings. A local government may adopt a single set of findings addressing two code compatibility standards, as long as the findings are adequate to demonstrate that both standards are met. *Nelson v. Curry County*, 47 Or LUBA 196 (2004).

1.4.5 Administrative Law – Adequacy of Findings – Related Findings. A proposal to swap plan designations for two portions of a single parcel does not require separate findings addressing each portion, where the applicable plan amendment criteria do not necessarily require separate findings, and petitioner does not identify any meaningful

difference between the two areas that would require separate consideration. *Excelsior Investment Co. v. City of Medford*, 44 Or LUBA 553 (2003).

1.4.5 Administrative Law – Adequacy of Findings – Related Findings. A standard requiring that a proposed use be compatible with the surrounding area is not the same as a standard requiring that a proposed use be compatible with farm and forest uses in the area and not interfere with farm or forest practices. A county cannot rely on findings of compliance with one standard to also find compliance with the other, without addressing the differences between the two standards or explaining why compliance with one also demonstrates compliance with the other. *Thomas v. Wasco County*, 35 Or LUBA 173 (1998).

1.4.5 Administrative Law – Adequacy of Findings – Related Findings. A finding that the subject property contains no identified Goal 5 resources is not adequate to address the Goal 4 requirement that "other forested lands" be designated as forest lands if such lands are needed to maintain soil, water, air, fish and wildlife resources. *DLCD v. Curry County*, 33 Or LUBA 728 (1997).

1.4.5 Administrative Law - Adequacy of Findings - Related Findings. That the findings supporting the challenged decision are similar or identical to those adopted in a previous local government decision based on a different site plan does not, of itself, provide a basis for reversal or remand. *Horizon Construction, Inc. v. City of Newberg*, 28 Or LUBA 632 (1995).

1.4.5 Administrative Law - Adequacy of Findings - Related Findings. Where the challenged decision includes only a conclusory statement that detailed code criteria for PUD development plans are satisfied, and neither the decision itself nor the respondents' briefs explain how other findings addressing other code standards are adequate to demonstrate compliance with the PUD development plan criteria, LUBA cannot conclude the PUD development plan criteria are either satisfied or inapplicable to the subject proposal. *Davenport v. City of Tigard*, 25 Or LUBA 67 (1993).