1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Remand is required where the findings fail to address a design standard requiring that a proposed two-story addition to a dwelling on the banks of the Willamette River will "[c]reate public views * * * from the river and the Greenway to the west." That the findings address views from the river under a different standard allowing a variance from setback standards, based on proposed modifications to the first floor of the dwelling, does not establish that the two-story addition will "create public views" from the river. Because the design review standard is subjective, LUBA cannot affirm the decision notwithstanding inadequate findings under ORS 197.835(11). *Kulongoski v. City of Portland*, LUBA No 2021-004 (July 8, 2021).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. According to the "law of the case" pursuant to *Beck v. City of Tillamook*, 313 Or 148, 831 P2d 678 (1992), matters conclusively resolved before LUBA cannot be relitigated in subsequent appeals of subsequent decisions on the same matter. However, that principle is not violated where (1) LUBA remands to the county to adopt new findings, based on substantial evidence, and (2) on remand, the county accepts new evidence and adopts new findings, as LUBA directed. Where LUBA's original decision discussed certain requirements to provide guidance and framework on remand, and some of the county's findings are still insufficient on remand does not mean that the county violated the "law of the case." *Richards v. Jefferson County*, 79 Or 171 (2019).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. On remand, where LUBA instructed the county to resolve whether the project applicant's farm operation qualifies as a "commercial farming operation" for purposes of applying for an accessory farm dwelling for a relative, LUBA established that certain findings and evidence are necessary to establish compliance with OAR 660-033-0130(9). The county's findings fall short of establishing that the applicant's farm operation qualifies as a "commercial farming operation," because it is an undefined term, and it is the county's obligation to attempt to articulate the thresholds that separate a "commercial" from a non-commercial farming operation, and to determine those thresholds in the first instance. Although the county has some discretion to determine the thresholds, that determination will necessarily constitute a mixed question of fact and law, subject to LUBA's review for legal error and evidentiary sufficiency. *Richards v. Jefferson County*, 79 Or 171 (2019).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. The focus of OAR 660-033-0130(9) and county code that implements it regarding whether the "farm operator * * * continue[s] to play the predominant role in the management and farm use of the farm," is on the farm operator's involvement in farm operations *on the subject property*, not on off-farm businesses that may relate to the farm operation. The commercial farm operator's involvement in off-farm businesses do not help establish any element of OAR 660-033-0130(9). The commercial farm operator's involvement in off-farm businesses are relevant to establishing the elements of OAR 660-033-0130(9) only in so much as the time spent on those businesses and away from the farm operation might undermine the claim that the farm operator will continue to play the "predominant role" in the farm operation and requires assistance in running the farm operation. *Richards v. Jefferson County*, 79 Or 171 (2019).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where a local government adopts independent findings and applies a different substantive analysis for two

separate approval criteria, but relies on the same evidence in concluding that those criteria are not met, a petitioner does not effectively challenge the findings for one of those criteria by challenging the findings for the other so as to defeat an argument that it has failed to challenge all valid, alternative, and independent bases for denial. *Himmelberger v. City of Portland*, 79 Or LUBA 367 (2019).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. When and if a board of county commissioners adopts a revised staff report as its findings, it must identify the applicable standards, the facts used to meet those standards and explain how those facts led to the conclusion that the applicable criteria has been met. Simply adopting the report or incorporating the applicant's burden of proof statement is not sufficient to serve as support for adequate findings. *VanSickle v. Klamath County*, 78 Or LUBA 56 (2018).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. When a county has evaluated facts, evidence, and argument in the record in reaching its decision and adopted findings in support of its decision, it is not necessary for the county to incorporate specific documents as findings. *Wachal v. Linn County*, 78 Or LUBA 227 (2018).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A city council's findings that a master plan design guideline to "[d]evelop buildings that are appropriately scaled to the neighborhood," is met by a proposal to build a seven-story apartment building with a five-story wing rather than a four-story wing, representing a proposal to increase the building height by 10 feet, where surrounding buildings range in height from three to seven stories, is not in error. Such a finding is sufficient to satisfy city's local ordinance which requires a finding that under a proposed modification "[t]he resulting development will better meet the applicable design guidelines," and that "[o]n balance the proposal will be consistent with the purpose of the standard modified" where the 10-foot modification represents a trade-off for a clipped corner which allows for increased pedestrian access and sunlight into a proposed public square. *Michaelson v. City of Portland*, 77 Or LUBA 504 (2018).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A city council's comparative approach of evaluating all design changes related to a proposed development modification at once to determine whether the resulting development better meets applicable guidelines, is not error. The nature of design review often involves tradeoffs and balancing between design features to achieve a more optimal overall design under the applicable guidelines. *Michaelson v. City of Portland*, 77 Or LUBA 504 (2018).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. LUBA will deny an assignment of error that argues that an application fails to comply with provisions of a neighboring city's municipal code where the provisions of the neighboring city's code do not apply to the application. *Martin v. City of Central Point*, 74 Or LUBA 312 (2016).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. To address a historic design standard requiring that new construction be "compatible with the appearance and character of the historic district," the decision-maker is not required to reference the description of the appearance and character of a historic district included in the nomination to the federal historic

register, but that description is a relevant and convenient source. Because the decision-maker must base the compatibility analysis on something, unless the decision-maker duplicates some of the descriptive work in the federal register nomination, there may be no practical substitute for considering the federal register nomination. *Kliewer v. City of Bend*, 73 Or LUBA 321 (2016).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A finding that development will have no "significant" adverse impacts on estuarine resources does not indicate that the decision maker misunderstood the applicable test under Goal 16, Implementation Requirement 1, which is focused on evaluation of "potential" adverse impacts, where other findings address the potential for adverse impacts. *Oregon Coast Alliance v. City of Brookings*, 72 Or LUBA 222 (2015).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Findings are inadequate to explain why fire protection standards are met where the findings do not address whether the standards are met or why the evidence in the record supports a conclusion that it is feasible to meet the standards, particularly where the only evidence in the record is that the fire district is concerned about wildfires and will perform the required inspections. *Del Rio Vineyards, LLC v. Jackson County*, 70 Or LUBA 368 (2014).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Findings are inadequate to explain why the hearings officer concluded that a proposed aggregate operation will not force a significant change in or significantly increase the cost of accepted farming practices where the decision fails to consider whether the standard is met but rather relies on a determination that a haul road that opponents argue will force a significant change in farming practices was authorized in previous decisions. *Del Rio Vineyards, LLC v. Jackson County*, 70 Or LUBA 368 (2014).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. In approving a final planned unit development (PUD), where the hearings officer defers for a second time a determination that a tentative PUD complies with geotechnical requirements to subsequent building and site development permit stages, such a deferral runs afoul of *Gould v. Deschutes County*, 216 Or App 150, 162, 171 P3d 1017 (2007), because those development stages are not infused with the same participatory rights as the Tentative PUD approval phase or the Final PUD approval phase. *Willamette Oaks LLC v. City of Eugene*, 64 Or LUBA 24 (2011).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A finding that a proposed stormwater drainage facility complies with applicable criteria in the city's Stormwater Master Plan is inadequate, where the findings do not identify the "criteria" in the Master Plan or explain why they are satisfied. *Soares v. City of Corvallis*, 56 Or LUBA 551 (2008).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Demonstrating that a land use proposal satisfies relevant approval criteria, because there are "feasible solutions to identified problems" regarding those approval criteria, requires *some* explanation of what those feasible solutions are. If that explanation that explanation of feasible solutions is provided, it is an adequate substitute for a more direct or precise finding that the approval criterion is satisfied, and

the choice among those feasible solutions can occur in a technical or administrative review process, without additional public hearings. *Gould v. Deschutes County*, 54 Or LUBA 205 (2007).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. When a code provision regarding riparian corridors could plausibly be required to be satisfied at the stage of the challenged decision or at a later stage, the issue was raised below, and the decision does not address the issue, the decision must be remanded for the local government to address the issue. *Coquille Citizens for Resp. Growth v. City of Coquille*, 53 Or LUBA 186 (2006).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A county's interpretation that a comprehensive plan policy, which implements Statewide Planning Goal 7 (Natural Disasters and Hazards), requires regulation of development in known areas potentially subject to natural disasters and is aimed at reducing risks to life and property that are *caused by natural hazards*, is not applicable in the context of a determination whether development is appropriate in a beaches and dunes area, pursuant to a comprehensive plan policy that implements Statewide Planning Goal 18 (Beaches and Dunes), which is aimed at reducing impacts that may be *caused by the proposed development*. *Borton v. Coos County*, 52 Or LUBA 46 (2006).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Findings supporting a variance approval are not inadequate merely because they do not quote *verbatim* the applicable approval criteria; petitioners must explain how the "summary" of the applicable provision makes the findings inadequate or how the city misapplied the criteria. *Spooner v. City of Salem*, 51 Or LUBA 237 (2006).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A finding that land is not subject to Goal 3 is inadequate, where it does not address the definition of "agricultural land" at OAR 660-033-0020(1) or explain why land with Class III agricultural soils is not "agricultural land" under that definition. *Oregon Shores Cons. Coalition v. Coos County*, 50 Or LUBA 444 (2005).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Findings supporting a zone change are inadequate where they fail to address portions of the applicable approval criterion because the findings misquote the applicable zone change approval criterion, omitting language that refers to needed housing and requires that added emphasis be given to the comprehensive plan's housing policies. *Premier Development v. City of McMinnville*, 50 Or LUBA 666 (2005).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where the relevant legal standards mandate a regimented step-by-step analysis, and the findings adopted in support of a decision to deny a permit under those legal standards are brief and do not come close to providing the level of detail that is required to address the legal standards, remand is required. *Hellberg v. Morrow County*, 49 Or LUBA 423 (2005).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where notice of the hearing on an application for a variance from required setback lists as an approval criterion the code provision from which applicants seek the variance, the code provision does not thereby

become an applicable approval criterion, and the county's failure to adopt findings addressing it is not a basis for reversal or remand. *Papadopoulos v. Benton County*, 48 Or LUBA 600 (2005).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where a planning department finds that a proposed home occupation would violate two of twelve home occupation standards and following a local appeal a hearings official finds the proposed home occupation would not violate those two standards, assignments of error in a LUBA appeal of the hearings official decision that allege the home occupation would violate other standards that neither the planning department nor the hearings official considered provide no basis for reversal or remand, where the petitioners cite no legal authority that would compel the hearings official to render a complete adjudication concerning all home occupation standards. *Revoal v. City of Eugene*, 47 Or LUBA 136 (2004).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A blanket finding that "many" of the plan policies cited by opponents are not applicable mandatory approval criteria is inadequate to provide a reviewable interpretation or determination that a particular plan policy is inapplicable, especially when the decision imposes conditions that appear to be directed at the policy's requirements. *Chin v. City of Corvallis*, 46 Or LUBA 1 (2003).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A city's findings are adequate where they address each of the applicable criteria in its tree removal ordinance and explain why the certified arborist's report submitted by the subdivision applicant satisfies each of those criteria. *Miller v. City of Tigard*, 46 Or LUBA 536 (2004).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where a city interprets a site design approval criterion as not requiring a demonstration that adequate facilities are available to serve the proposed development, the city does not err in failing to adopt findings to address arguments presented by opponents that facilities are not adequate. *Durham v. City of Philomath*, 45 Or LUBA 648 (2003).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Given the similarity between a code provision requiring preservation of "existing landscape features and amenities" "to the greatest extent possible," and another code provision requiring preservation of "significant trees and vegetation" " to the maximum extent practicable," a city does not err in interpreting one provision to be satisfied by findings addressing the other. *Bagnell v. City of Corvallis*, 44 Or LUBA 284 (2003).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. 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).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where a county considers dust impacts from mining that may have an impact on neighboring residential uses, those

dust impacts may form a basis for denial only if the impacts violate applicable Department of Environmental Quality air quality standards. *Morse Bros., Inc. v. Linn County*, 42 Or LUBA 484 (2002).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A finding that recreational zoning may be applied to land that is subject to a physically developed exception for industrial uses because some of the uses allowed in an industrial zone may also be allowed in a recreation zone is not responsive to OAR 660-004-0018(2)(a), which requires that the zoning designation must "limit uses, density and public facilities and services to those which are the same as the *existing* land uses on the exception site." *Doty v. Coos County*, 42 Or LUBA 103 (2002).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Findings that conclude that a proposed recreational zoning designation will not permit urban uses on rural land because (1) the anticipated use of the property is allowed in the county's recreation zone, which is acknowledged as a rural zone, and (2) density is limited to the land's "carrying capacity," are inadequate to demonstrate compliance with OAR 660-004-0018(2)(b)(A) because acknowledgement of a zone as being generally in compliance with Goal 14 does not mean that all uses that may be approved under that zone are necessarily rural in nature. *Doty v. Coos County*, 42 Or LUBA 103 (2002).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Findings that assume that a proposed recreation use will be less intensive than the former industrial uses but do not address the diverse impacts that could result from recreational use of the property are inadequate to satisfy OAR 660-004-0018(2)(b)(B) and (C) because the uses are dissimilar and result in different impacts on adjacent and nearby resource land. *Doty v. Coos County*, 42 Or LUBA 103 (2002).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where a county considers the impacts that a proposed rezoning would have on inventoried Goal 5 resources, and concludes that the existing Goal 5 protection program continues to be adequate to protect those resources, the county's conclusion satisfies Goal 5. *Doty v. Coos County*, 42 Or LUBA 103 (2002).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Findings that address certain rural residential locational criteria in the county's comprehensive plan are inadequate to address the specific requirements of OAR 660-004-0028(6), where the locational criteria do not implement the rule and bear no obvious relationship to the rule's requirements. *Friends of Linn County v. Linn County*, 41 Or LUBA 358 (2002).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. LUBA will remand a decision denying an application to place and remove fill in a riparian zone, where the findings do not independently address the relevant standards and it is not clear what evidence the hearings officer relied on to apply the standards. *Griffin v. Jackson County*, 41 Or LUBA 159 (2001).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Petitioners' argument that a particular standard is not applicable to their application provides no basis for

reversal or remand where it is obvious from the decision that the decision maker did not consider or apply that standard. *Griffin v. Jackson County*, 41 Or LUBA 159 (2001).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A city's interpretation that a state highway is not subject to city road design standards for streets providing access to a proposed subdivision is not clearly wrong, and is entitled to deference under ORS 197.829(1) and *Clark v. Jackson County*, 313 Or 508, 836 P2d 710 (1992). *Costanzo v. City of Grants Pass*, 40 Or LUBA 471 (2001).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A city does not err in determining that a code provision requiring that roads providing access to a proposed subdivision be paved to city standards is satisfied by a state highway that is paved to state standards. *Costanzo v. City of Grants Pass*, 40 Or LUBA 471 (2001).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where a city code requires that alternative local access designs be examined and that the design chosen "best balances needs for economy, safety, efficiency and environmental compatibility," and the city's decision includes findings addressing specific environmental, traffic and safety impacts of the alternative access designs and explains why the chosen design avoids those impacts, the findings are adequate to address the criterion. *Costanzo v. City of Grants Pass*, 40 Or LUBA 471 (2001).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where a variance criterion requires that a variance conform to the comprehensive plan, a city's finding that a variance will promote in-fill and higher residential density is insufficient to demonstrate that the variance, allowing a lot to be divided into two lots, satisfies that criterion where the findings identify no comprehensive plan provisions encouraging in-fill and higher residential density. *Reagan v. City of Oregon City*, 39 Or LUBA 672 (2001).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where a county code provision specifically requires findings documenting whether there is a need for additional land for a particular purpose and whether the timing is appropriate to rezone land for that purpose, but the county interprets the code provision to not require documentation of the need and timing elements in a particular instance, that interpretation is inconsistent with the express language of the provision and "clearly wrong." *Jackson County Citizens League v. Jackson County*, 38 Or LUBA 357 (2000).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A local code criterion that requires a county to consider comments and recommendations of adjacent and vicinity property owners does not require that the county adopt findings that address every comment or recommendation. *Dayton Prairie Water Assoc. v. Yamhill County*, 38 Or LUBA 14 (2000).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where the county approves a golf course expansion without adopting findings addressing a comprehensive plan provision that prohibits approval of urban uses outside urban growth boundaries, LUBA will remand the decision so that the county can adopt findings addressing whether the subject golf

course is "urban" and whether the proposed expansion of the golf course is consistent with the comprehensive plan provision. *DLCD v. Jackson County*, 36 Or LUBA 88 (1999).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A specific finding of feasibility regarding an approval criterion is not satisfied by a general finding of overall feasibility, where a number of problems and conflicts were identified during the local proceedings concerning the particular approval criterion. *Tenly Properties Corp. v. Washington County*, 34 Or LUBA 352 (1998).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A local government has not deferred compliance with mandatory approval criteria where it grants tentative subdivision approval with the condition that development plans be reviewed by a geotechnical engineer prior to the issuance of construction permits. Once a local government has determined that compliance with a mandatory criterion is feasible, it may impose conditions of approval to ensure compliance with that criterion. No hearing on the geotechnical report is required. *Property Rights and Owners, Ltd. v. City of Salem*, 34 Or LUBA 258 (1998).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. The county's finding that the same level of public facilities and services that will be available to the subject property is presently available to all the surrounding land is not helpful to a determination of compliance with Goals 11 and 14 where the finding does not explain whether or how the goals were applied to the surrounding properties. *Brown v. Jefferson County*, 33 Or LUBA 418 (1997).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. The county's findings of compliance with applicable criteria are inadequate where they do not identify the relevant approval standards, set out the facts relied upon, or explain how the facts lead to the conclusion that applicable standards are satisfied. *Harcourt v. Marion County*, 33 Or LUBA 400 (1997).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where, on remand, an applicant modifies a site plan for a gas station and car wash so that only the location of the gas pumps is carried forward from the original site plan to the modified site plan, a reasonable person could not conclude that the two plans are substantially similar. A finding that the plans are substantially similar does not adequately address the code requirements that apply to a site plan. *Sullivan v. City of Woodburn*, 33 Or LUBA 356 (1997).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. The county's findings classifying livestock sales and shows as a "farm use" rather than as "stockyard and animal sales" are inadequate when the challenged decision does not relate the general findings to the property at issue, and therefore does not establish that the proposed use complies with the approval standards. *Collins v. Klamath County*, 32 Or LUBA 338 (1997).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. The county fails to establish that, under local code, a second dwelling is authorized as a conditional use in an EFU zone where the findings do not explain why the proposed dwelling is authorized and do not explain

when the primary dwelling was established or whether its use is resource-related. *Le Roux v. Malheur County*, 32 Or LUBA 124 (1996).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Findings are inadequate to establish that a proposed use does or can satisfy the definition of "light industrial business" when there are no factual findings regarding the number of employees necessary for the proposed use. *Miller v. City of Joseph*, 31 Or LUBA 472 (1996).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where the city's zoning code requires a structure or use be lawfully existing at the time the ordinance making it nonconforming was adopted, the city may not find an existing use to be nonconforming until it determines, based on substantial evidence, that the use was lawfully existing at the time the ordinance making it nonconforming was adopted. *Smith v. City of Phoenix*, 31 Or LUBA 358 (1996).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. An operation that requires land for grazing horses employs that land for the production of livestock within the meaning of ORS 215.284(2)(b); therefore, a county errs when it concludes that consideration of the potential use of a parcel for grazing horses is not required in determining whether the parcel is generally unsuitable for farm use. *Moore v. Coos County*, 31 Or LUBA 347 (1996).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where LUBA remanded a previous appeal because the county did not apply relevant agricultural goal and implementation policies of its comprehensive plan, the county's conclusion on remand that its previous findings were sufficient is not adequate. *Brown v. Coos County*, 31 Or LUBA 142 (1996).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A local decision is subject to reversal, rather than remand, when the local government cannot demonstrate compliance with an applicable approval criterion. When a significant factual issue remains, the resolution of which could determine whether compliance is possible, the decision must be remanded. *DLCD v. Clatsop County*, 31 Or LUBA 90 (1996).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A finding that the county cooperated with certain state agencies by providing them with notice and an invitation to participate in local proceedings satisfies a plan requirement of cooperation with the agencies "to obtain more information." *Furler v. Curry County*, 31 Or LUBA 1 (1996).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A local government's design review approval for a proposed apartment complex must be remanded where it does not contain findings that address relevant approval standards relating to open space and recreation, and does not address issues raised in the proceedings below that are relevant to compliance with those standards. *Winkler v. City of Cottage Grove*, 30 Or LUBA 351 (1996).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. When a challenged decision does not contain findings related to specific approval criteria, LUBA cannot perform its review function. *Le Roux v. Malheur County*, 30 Or LUBA 268 (1995).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A local government is not required to make findings to address criteria that it has found to be inapplicable. *East Lancaster Neigh. Assoc. v. City of Salem*, 30 Or LUBA 147 (1995).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. ORS 227.173(2) does not require a local government to make findings regarding criteria which could support approval of an application, or to make findings regarding criteria upon which it did not rely in reaching its decision to deny an application. *Holland v. City of Cannon Beach*, 30 Or LUBA 85 (1995).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. That a subdivision may have detrimental effects on adjacent property does not compel a finding that the variance which makes the subdivision possible will itself have such detrimental effects. *Williams v. City of Philomath*, 30 Or LUBA 5 (1995).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A petitioner's statement that certain road improvement conditions, which are imposed prior to subdivision and variance approvals, are "inherently unfair and biased" provides no basis for reversal or remand if the petitioner states no legal standards that such conditions violate. *Williams v. City of Philomath*, 30 Or LUBA 5 (1995).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Findings supporting a local government determination that an existing use is lawful are inadequate if they do not interpret or apply relevant provisions of the local code and do not state the facts relied on by the local government. *Penland v. Josephine County*, 29 Or LUBA 213 (1995).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where a local governing body's findings are unclear with regard to whether the local government interprets the provisions of the local code's unstable slopes overlay district as applicable to approval of a subdivision preliminary plat, the challenged decision does not contain an interpretation adequate for review and must be remanded. *ONRC v. City of Oregon City*, 28 Or LUBA 263 (1994).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where a local government decision identifies a number of comprehensive plan provisions as approval standards for a request to cut trees, it may not approve the request without adopting findings demonstrating that the application complies with the identified plan policies. *Gettman v. City of Bay City*, 28 Or LUBA 116 (1994).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. A hearings officer's reliance on a dictionary definition of "in conjunction with" without providing the dictionary definition relied upon is harmless error, where it is apparent from the decision that the hearings officer interpreted the code term to require establishment of a customer/seller or seller/customer relationship between the proposed commercial use and timber and farm uses in the community. *Stroupe v. Clackamas County*, 28 Or LUBA 107 (1994).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Findings which do not identify the provisions of the statewide planning goals, comprehensive plan or local code that govern a challenged code amendment are inadequate to satisfy a local code requirement that *all* code amendments be supported by findings explaining why the amendment complies with any relevant plan, code and statewide planning goal requirements. *Andrews v. City of Brookings*, 27 Or LUBA 39 (1994).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where a state agency expresses concerns about the impacts of a proposed development on unstable sands and flora, the Goal 2 coordination obligation requires that a county address those concerns in its findings. *Waugh v. Coos County*, 26 Or LUBA 300 (1993).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. The determination of whether a nonforest dwelling will materially alter the stability of the overall land use pattern of the area requires a county to (1) select an area for consideration, (2) determine the resource uses in the selected area, and (3) determine the proposed nonresource dwelling will not materially alter the stability of the existing resource in the selected area. *DLCD v. Lincoln County*, 26 Or LUBA 89 (1993).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. Where the challenged decision applies some design review standards to an application for conditional use permit approval, but fails to explain why other apparently applicable design review standards are inapplicable to the conditional use permit stage, the challenged decision must be remanded for the local government to adopt findings addressing the applicability of these other design review standards. *Moore v. Clackamas County*, 26 Or LUBA 40 (1993).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. 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).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. While ORS 215.416(9) does not require that findings include citations to, or verbatim quotes of, applicable approval standards, it does require that a reasonable person be able to determine from the local government's decision what it considered to be the relevant criteria and standards. *Murphy Citizens Advisory Comm. v. Josephine County*, 25 Or LUBA 312 (1993).

1.4.2 Administrative Law – Adequacy of Findings – Applicable Standards. It is error for a local government to fail to identify the standards relevant to a development application in the challenged decision and to fail to justify its decision on the basis of compliance with those standards. *Ruff v. Harney County*, 23 Or LUBA 521 (1992).