1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Where comprehensive plan and local code provisions provide that the comprehensive plan may be amended only when "[t]here is a demonstrated public need for the change," the governing body may rely on a 12-acre deficit of High Density Residential (HDR) land identified in its acknowledged Buildable Lands Inventory (BLI) to conclude that that there is a "public need" to approve an application to redesignate six acres of land to HDR, even where, subsequent to the adoption and acknowledgment of its BLI, the governing body has approved applications to rezone other lands, totaling 92 acres, to HDR. *Carson Property LUBA Appeal, Inc. v. City of Corvallis*, 81 Or LUBA 175 (2020).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Where on remand a city accepts new evidence and adopts new findings regarding a planned unit development (PUD) approval standard, the issue of whether the new findings conflict with re-adopted but unchanged findings addressing other standards was not, and could not have been, resolved in the appeal of the city's initial PUD approval, and thus the "law of the case" principle under *Beck v. City of Tillamook*, 313 Or 148, 831 P2d 678 (1992), does not preclude a petitioner from raising that issue on appeal of the remand decision. *Conte v. City of Eugene*, 77 Or LUBA 69 (2018).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Findings that a 20-foot paved width is necessary to provide a "safe and adequate" transportation system for purposes of one planned unit development (PUD) standard do not conflict with findings addressing a differently worded standard that a 14-foot paved width is sufficient to ensure that the PUD is not an "impediment to emergency response." *Conte v. City of Eugene*, 77 Or LUBA 69 (2018).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. In applying a vacation rental dwelling (VRD) standard that prohibits a VRD that would alter the character of the surrounding area so as to substantially limit permitted uses in the zoning district, the size of the residence, in and of itself, is largely irrelevant where a house of any size is permitted outright in the zone so long as it is occupied by the owner or leased on a long-term basis. Remand is required where the findings denying the VRD focus almost exclusively on the size of the dwelling rather than the proposed VRD use. *Gu v. City of Bandon*, 77 Or LUBA 535 (2018).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Where the hearings officer adopts a board of commissioners' interpretation of a comprehensive plan policy that was articulated in a different decision, and that interpretation is not challenged on appeal, LUBA will reject a challenge to the adequacy of the hearings officer's findings, arguing that the findings fail to resolve all potential inconsistencies or ambiguities in applying the commissioners' interpretation to the proposed rezoning at issue, where the findings adequately explain the hearings officer's understanding of the plan policy, as interpreted by the commissioners, and adequately explain how the policy is applied to the rezoning application before the hearings officer. *Landwatch Lane County v. Lane County*, 75 Or LUBA 302 (2017).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Where a hearings officer's finding takes inconsistent positions regarding the nature of the legal issue to be resolved in proceedings following a LUBA remand of a permit approval for a destination resort, a second

remand is required. *Central Land and Cattle Company, LLC v. Deschutes County*, 74 Or LUBA 326 (2016).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Where a decision includes potentially conflicting findings that (1) all of a geologist's recommendations must be implemented or (2) only those recommendations identified by staff must be implemented, but the first finding can be harmonized with the second because the first finding does not expressly require that all of the geologist's recommendations must be implemented, it is appropriate to interpret the first finding to only require implementation of the staff identified recommendations. *Pennock v. City of Bandon*, 72 Or LUBA 379 (2015).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Where a local government adopts alternative findings to address disjunctive statutory requirements for annexation, any inconsistency between the alternative findings is not a basis for remand. *Oregon Coast Alliance v. City of Brookings*, 71 Or LUBA 14 (2015).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. A city's findings in support of its decision to deny permit approval must adequately interpret and apply the criteria the city relies on to deny the application in a way that is consistent with the language of the criteria and must provide a coherent explanation for why the city believes the proposal does not comply with the criteria. A city decision will be remanded where its findings do not comply with these minimum requirements for adequate findings. *Caster v. City of Silverton*, 54 Or LUBA 441 (2007).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Where an approval criterion requires a finding that the proposed land use "will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping," the local government must identify "existing or anticipated uses," describe those uses in the terms specified, describe the proposed land use in the terms specified, and then perform the required comparison to determine if the proposed land use and existing or anticipated uses will be compatible. Where a city's decision does none of those things, the decision will be remanded. *Caster v. City of Silverton*, 54 Or LUBA 441 (2007).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. An inconsistency regarding operating hours between the governing body's decision and a finding in the planning commission decision incorporated by reference into the governing body's decision does not warrant remand, where it is reasonably clear that the governing body intended to reverse the planning commission decision with respect to operating hours and inadvertently incorporated the planning commission finding. *O'Rourke v. Union County*, 54 Or LUBA 614 (2007).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Where planning staff prepare a final written decision based on an oral decision by the governing body, the far better practice is to have the governing body review and approve the final written decision prior to its issuance, rather than have staff sign and issue the written decision, to avoid potential inconsistencies between the oral decision and the final written decision. *O'Rourke v. Union County*, 54 Or LUBA 614 (2007).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Where the record reflects that 10 acres of irrigation rights were removed from two 20-acre parcels because (1) irrigating with that water was extremely inefficient, (2) the nonfarm parcels consist of 85 percent bare ground, and (3) moving the irrigation rights back would provide no benefit, county's findings that returning irrigation rights to the property would not render the nonfarm parcels generally suitable for the production of farm crops or livestock is supported by substantial evidence. *Peterson v. Crook County*, 52 Or LUBA 160 (2006).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. That findings a local government adopts in support of its decision may conflict with some findings in a planning staff report that the city council adopts by reference provides no basis for remand where petitioner identifies no conflicting findings that warrant remand. *Frewing v. City of Tigard*, 50 Or LUBA 226 (2005).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Where the approved tentative plat does not propose curbs on a private street, but the hearings officer's findings suggest that curbs will be provided to direct storm water to catch basins and there is expert testimony that curbs are necessary to direct storm water to catch basins, remand is necessary to address whether the decision requires curbs and, if not, how storm water will be directed to catch basins. *Paterson v. City of Bend*, 49 Or LUBA 160 (2005).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Even if intersection improvements that are required in approving a destination resort will maintain acceptable levels of service on nearby roads and key intersections, it does not necessarily follow that there will not be conflicts between the increased levels of traffic the proposed destination resort will generate on these roads and agricultural traffic (including livestock and large slow-moving agricultural vehicles) seeking to negotiate these same roads. However, where the relevant approval standard only requires "reasonable compatibility," and the testimony on both sides of the seriousness of the conflicts from such traffic is speculative, LUBA cannot say the county was unreasonable in finding the destination resort will be "reasonably compatible" with nearby farm use and farm traffic. *Burke v. Crook County*, 48 Or LUBA 23 (2004).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. A local government could reasonably extrapolate from the fact that migratory birds using an existing wetland are not bothered by an adjoining aggregate mine operation to find that additional migratory birds attracted to the wetland, when enhanced, also would not be bothered by the mine operation. *Cadwell v. Union County*, 48 Or LUBA 500 (2005).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. A decision to deny a dwelling based on an applicant's failure to demonstrate that the dwelling has only "minimum impact" on wildlife habitat is inadequate, where the hearings officer also found that the dwelling complies with big game habitat criteria and that such compliance establishes a presumption that the dwelling has only minimum impact on habitat, and the hearings officer does not explain those apparently inconsistent findings. *McAlister v. Jackson County*, 47 Or LUBA 125 (2004).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. A county's finding that proposed mining activities are not minimized sufficiently to avoid conflicts with identified riparian resources is not adequate, where the riparian area is located near water courses that will receive water diverted from mining cells and the county adopted other findings that mining will not affect identified wetlands that are located between the riparian area and presumably would be more susceptible to fluctuations in water levels than the riparian areas. *Eugene Sand and Gravel, Inc. v. Lane County*, 44 Or LUBA 50 (2003).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. There is no inconsistency in a city council subdivision approval decision that (1) refuses to delay approval or require setbacks for a possible future freeway, (2) requires elimination of a proposed subdivision access to the existing roadway that might be displaced by the possible future freeway, and (3) eliminates a planning commission requirement for pedestrian access to the roadway that might be displaced by the possible future freeway where (a) the possible future freeway is not yet included in the city's comprehensive plan, (b) the decision to eliminate the proposed roadway connection is based on an Oregon Department of Transportation policy that would preclude approval of the roadway connection, and (c) a code provision excuses pedestrian connections where they are found to be "infeasible or inappropriate" and the city council adopts an unchallenged finding that the pedestrian connection is "not necessary." *Baida v. City of Medford*, 44 Or LUBA 473 (2003).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. City findings that conclude that proposed park facility development within a floodway complies with a comprehensive plan policy regarding community parks are inadequate where those findings interpret the community park policy as being both aspirational *and* mandatory and the city's findings provide no explanation for that apparent discrepancy. *Monogios v. City of Pendleton*, 44 Or LUBA 576 (2003).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Where the staff report that the county governing body adopts as findings recommends a 300-yard buffer to ensure a hunting preserve will be compatible with adjoining properties and the county governing body approves the hunting preserve without a buffer, but adopts no additional findings explaining why no buffer is needed to ensure compatibility, the county governing body's decision must be remanded. *Underhill v. Wasco County*, 43 Or LUBA 277 (2002).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. LUBA will remand a city decision denying a zone change where the city adopts as findings both a staff report that recommends and provides the rationale for *denying* the zone change, and an earlier staff report that recommends and provides the rationale for *approving* the zone change. *Larmer Warehouse v. City of Salem*, 43 Or LUBA 53 (2002).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. A finding that a proposed parking layout may be relocated to expand the septic drainfield does not conflict with a condition requiring that parking shall be provided as shown in the site plan, where it is clear that the purpose of the condition is to satisfy a standard addressing the number of parking spaces, and not the location of the parking lot. *Baker v. Lane County*, 43 Or LUBA 493 (2003).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Absent a criterion requiring that the city consider the height of an existing church in approving the height of a proposed addition to that church, the height of the existing structure has no bearing on the city's decision. That the city calculated the height of the proposed addition based in part on the grade elevation of the existing structure does not compel the city to consider the height of the existing structure in approving the proposed addition. *Sattler v. City of Beaverton*, 41 Or LUBA 106 (2001).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Where the county's code requires that streets providing access to a proposed land division be improved to a specified width and composition if the streets (1) will serve four or more lots or parcels and (2) are likely to serve additional lots or parcels in the future, LUBA will remand a decision when the county appears to answer those questions in the affirmative by requiring compliance with the width standard, but does not require compliance with the composition standard, and does not explain the reason for the apparent inconsistency. *Dudek v. Umatilla County*, 40 Or LUBA 416 (2001).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. It is not inconsistent for findings to reject alternative sites under OAR 660-004-0010(1)(c)(B)(ii) because proposed industrial uses would conflict with surrounding high-density residential uses, while concluding under OAR 660-004-0010(1)(c)(B)(iv) that, as limited by conditions of approval, industrial use of the subject property is compatible with rural residential uses that border the subject property on one side. *Alliance for Responsible Land Use v. Deschutes Cty.*, 40 Or LUBA 304 (2001).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. The practice of incorporating other decisions or documents into the challenged decision as findings increases the risk of adopting inconsistent findings. However, such inconsistent findings do not provide a basis for remand when the local government explains and resolves the discrepancy between any conflicting decisions or documents it incorporates in its findings. *Spiro v. Yamhill County*, 38 Or LUBA 133 (2000).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Where a zoning ordinance standard requires consideration of residential appearance and function of an "area" in approving a bed and breakfast facility, and a hearings officer's findings use different areas in applying that criterion so that the analysis is internally inconsistent, the findings are inadequate to demonstrate compliance with the standard. *Hatfield v. City of Portland*, 37 Or LUBA 664 (2000).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Where a zoning ordinance standard requires that the transportation system be capable of serving the proposed and existing uses and the findings addressing that standard focus exclusively on the relatively small traffic generating impact of the proposal without ever addressing the adequacy of the transportation system, the findings are inadequate to demonstrate compliance with the standard. *Hatfield v. City of Portland*, 37 Or LUBA 664 (2000).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Findings that dwellings can be built consistent with building setbacks are not responsive to a criterion that requires that the site be "suitable for the proposed use considering size, shape, location, topography

and location of improvements and natural features." *Robinson v. City of Silverton*, 37 Or LUBA 521 (2000).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Where a hearings officer's findings incorporate staff report findings that are inconsistent concerning one issue, LUBA will not remand the hearings officer's decision where it is clear that the hearings officer's findings superseded the staff report on that issue. *Central Bethany Dev. Co. v. Washington County*, 33 Or LUBA 463 (1997).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. In determining whether a UGB amendment is justified on the basis of housing need, a local government cannot focus its needs analysis on the needs of the existing population if the proposed development is intended for a different population. *Concerned Citizens v. Jackson County*, 33 Or LUBA 70 (1997).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. If a city seeking to expand its UGB wishes to recognize a housing need for a population other than the existing population, it must amend its population projections to recognize both the natural growth of the existing population and the addition of a new population group, and must describe the proposed development with enough specificity that it is reasonably clear the UGB amendment will accomplish the desired objective. *Concerned Citizens v. Jackson County*, 33 Or LUBA 70 (1997).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. If local government findings addressing different approval standards conflict with each other, and this conflict is not reconciled in the challenged decision, the conflict may undermine the findings sufficiently to render them inadequate to support the local government's determinations of compliance. *Doob v. Josephine County*, 27 Or LUBA 293 (1994).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. Where a challenged decision states certain findings supersede other inconsistent findings, a general challenge that findings adopted to support the decision are internally inconsistent provides no basis for reversal or remand, where petitioner fails to explain why the findings are inadequate to establish consistency with particular approval criteria or explain why alleged inconsistencies are not resolved by the designated superseding findings. *Eola-Glen Neighborhood Assoc. v. City of Salem*, 25 Or LUBA 672 (1993).

1.4.8 Administrative Law – Adequacy of Findings – Logic and Consistency. An erroneous finding that the local government cannot impose a condition of subdivision approval requiring measures to mitigate off-site traffic impacts, provides no basis for reversal or remand, where the local government adopts superseding findings explaining why it believes such measures are not warranted and the local government's authority to require such measures is permissive rather than mandatory. *Eola-Glen Neighborhood Assoc. v. City of Salem*, 25 Or LUBA 672 (1993).