

1 Opinion by Kellington.

2 **NATURE OF THE DECISION**

3 Petitioner appeals a county order approving a dwelling
4 on a 19.55 acre parcel zoned Exclusive Farm Use (EFU).

5 **FACTS**

6 The applicants below applied for permission to
7 construct a dwelling on the subject parcel. The application
8 states it requests a "variance" and does not indicate
9 whether the proposed dwelling is sought as a farm or nonfarm
10 dwelling or as something else.

11 The planning commission denied the application and the
12 applicants appealed. On appeal, the county court remanded
13 the matter to the planning commission. The planning
14 commission approved the proposal. Petitioner appealed the
15 planning commission's decision to the county court. The
16 county court approved the application, and this appeal
17 followed.

18 **ASSIGNMENTS OF ERROR**

19 The challenged decision is not included in the local
20 record. This defect alone requires remand. However, the
21 challenged decision is attached to the petition for review.
22 To the extent it may be helpful to the parties, we note the
23 following defects in the decision.

24 It is well established that a local government decision
25 approving an application for a permit must include findings
26 that (1) identify the relevant approval standards, (2) set

1 out the facts believed and relied upon by the local decision
2 maker, and (3) explain how those facts lead to a decision
3 that the proposal complies with the approval standards.
4 Heiller v. Josephine County, 23 Or LUBA 551 (1992). Here,
5 the decision fails to identify the relevant criteria and
6 fails to contain an explanation of how the proposal
7 satisfies the relevant approval criteria, as required by
8 ORS 215.416(9). Further, the challenged decision does not
9 establish whether the proposed dwelling is approved as a
10 farm or nonfarm dwelling, or whether the dwelling is
11 approved under local variance standards.¹

12 Petitioner's first assignment of error is sustained.²

13 The county's decision is remanded.

¹We seriously question whether a local government could approve a single family dwelling on land zoned EFU on any basis other than as a farm or nonfarm dwelling. See ORS 215.213; 215.283; 215.296.

²Because of we cannot identify the basis for the challenged decision, we are not in a position to reach petitioner's second and third assignments of error, except to the extent that we agree with petitioner the findings are generally inadequate to explain why the decision complies with applicable approval standards.