

1.5.4 Administrative Law – Requirement for Findings – Administrative Rules. Where audio recording of the hearing at which a motion to adopt a proposed plan was passed discloses that the motion also was sufficient to adopt a separate supporting findings document, the fact that the motion described in the minutes of that hearing makes no mention of the separate findings document provides no basis for remand. *Parker Johnstone Wilsonville Honda v. ODOT*, 62 Or LUBA 116 (2010).

1.5.4 Administrative Law – Requirement for Findings – Administrative Rules. Even where no authority requires findings in support of a legislative decision, there must be enough in the way of findings or accessible material in the record to show that applicable criteria were applied and required considerations considered. Where the record of the legislative rezoning decision includes no findings or accessible material supporting the local government’s view that the Transportation Planning Rule (TPR) does not apply to the decision, the local government can avoid remand only if it demonstrates in its response brief, as a matter of law, that the TPR does not apply to the rezoning decision and is not a required consideration. *Barnes v. City of Hillsboro*, 61 Or LUBA 375 (2010).

1.5.4 Administrative Law – Requirement for Findings – Administrative Rules. The statement in OAR 660-016-0005(a) that a local government is not required to “justify in its comprehensive plan a decision not to include a particular site” in its Goal 5 inventory simply means that the local government need not amend its comprehensive plan to justify a decision not to include a site on its Goal 5 inventory. The rule does not relieve local governments of the obligation to adopt adequate findings justifying a quasi-judicial decision to deny an application to include a site on the Goal 5 inventory. *Hegele v. Crook County*, 44 Or LUBA 357 (2003).

1.5.4 Administrative Law – Requirement for Findings – Administrative Rules. Read together with OAR 731-015-0075(7)’s express requirement for findings adequate to establish that a proposal complies with an affected local government’s comprehensive plan, the OAR 731-015-0075(2) requirement for more extensive findings if the proposal requires comprehensive plan amendments cannot be interpreted to mean that only cursory findings are needed where no comprehensive plan amendments are required. *Witham Parts and Equipment Co. v. ODOT*, 42 Or LUBA 435.

1.5.4 Administrative Law – Requirement for Findings – Administrative Rules. Committed exception findings must explain what it is about existing parcel size and ownership patterns that irrevocably commit resource land to nonresource use, specify the location of parcels created prior to application of the Goals, and distinguish those parcels created pursuant to the Goals. *Pekarek v. Wallowa County*, 36 Or LUBA 494 (1999).

1.5.4 Administrative Law – Requirement for Findings – Administrative Rules. Assuming that the existence of water and sewer lines on adjacent lands may be relevant to whether a property is irrevocably committed to nonresource use, findings must explain what that relevance is. *Pekarek v. Wallowa County*, 36 Or LUBA 494 (1999).

1.5.4 Administrative Law – Requirement for Findings – Administrative Rules. 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).

1.5.4 Administrative Law - Requirement for Findings - Administrative Rules. OAR 660-33-030(6) requires that the "more detailed data" upon which the county may rely in determining soil capability for forest uses be related to the SCS soils classification system and, therefore, before the county can rely on more detailed data, the county must establish that the source of the data has the requisite knowledge of the classification system, including the qualifications and expertise to classify soils under the system. *Thomas v. Wasco County*, 30 Or LUBA 302 (1996).

1.5.4 Administrative Law - Requirement for Findings - Administrative Rules. A finding that soils could be reclassified to Class VII does not establish that the soils are Class VII or that even if they are Class VII, the classification renders the site unsuitable for forest use without evaluation of other relevant factors. *Thomas v. Wasco County*, 30 Or LUBA 302 (1996).

1.5.4 Administrative Law - Requirement for Findings - Administrative Rules. Where a legislative comprehensive plan amendment adopts policies arguably relevant to OAR 660-12-060, either the decision must be supported by findings addressing OAR 660-12-060 or respondents must demonstrate, through arguments in their briefs and citation to provisions of the local government's plan and regulations or the record that the challenged policies comply with OAR 660-12-060. *Opus Development Corp. v. City of Eugene*, 28 Or LUBA 670 (1995).