

1.3.2 Administrative Law – Findings Generally – Necessary Elements. Where a hearings official’s findings explain the criteria that the hearings official considered relevant to the decision, state the facts relied upon in rendering the decision, and explain the justification for the decision based on the criteria, the hearings official’s findings are adequate. The fact that a petitioner disagrees with those findings does not render them inadequate. *Matthews v. Lane County*, 81 Or LUBA 757 (2020).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. References to a staff report during oral deliberations and a city councilor’s motion “to accept staff’s recommendation” are insufficient to incorporate the staff report into the final decision where the city council does not orally approve or adopt the staff report and where the final decision does not mention the staff report, and the city may therefore not rely on the staff report in order to satisfy the requirement that its decision contain adequate findings. *Niederer v. City of Albany*, 79 Or LUBA 305 (2019).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. When an applicant chooses to use reclaimed wastewater on farmland, a written explanation of alternatives to water uses is a very limited obligation imposed by ORS 215.246(3). The county’s role, indeed LUBA’s review itself, is confined to ensuring that the applicant (1) considered in writing any sufficiently identified alternatives, and (2) explained in writing the reasons for not using them. *Oregon Coast Alliance v. Curry County*, 78 Or LUBA 81 (2018).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. OAR 660-004-0022(6), which provides the standards for approving an exception to Goal 15, allows adverse effect on habitat as long as the adverse effect is not “significant.” An argument that challenges a local government’s findings that with mitigation, impacts to riparian habitat from a proposed new bridge project will not be significant because the need for mitigation at all demonstrates that the bridge will have a “significant adverse effect” on riparian values provides no basis for reversal or remand. *Deumling v. City of Salem*, 76 Or LUBA 99 (2017).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. To address a historic design standard requiring that new construction be “compatible with the appearance and character of the historic district,” adequate findings must, at a minimum, describe the appearance and character of the historic district, as relevant, (2) describe the appearance and character of the proposed structure, and (3) explain why the proposed structure is or is not compatible with the appearance and character of the historic district. *Kliwer v. City of Bend*, 73 Or LUBA 321 (2016).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. The failure of a decision maker to list all of the evidence relied upon in making a decision is not necessarily fatal as long as the response brief directs LUBA to evidence in the record that supports the critical findings in the decision. *Lawrence v. Clackamas County*, 46 Or LUBA 101 (2003).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. When a local decision maker denies a person standing to participate in the local proceeding, the local decision maker must explain why that person was denied standing. *Swanson v. Jackson County*, 46 Or LUBA 629 (2004).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. 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).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. Where a local government includes lands in urban reserves under one or more of the exceptions provided in OAR 660-021-0030(4), it must adopt findings as required by OAR 660-021-0030(5) that are sufficient to ensure that those lands are developed in accordance with the justification for including them in urban reserves. *D.S. Parklane Development, Inc. v. Metro*, 35 Or LUBA 516 (1999).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. A county impermissibly defers a finding of compliance with a standard requiring that the lot be capable of being served with a domestic water supply, where there is no evidence or finding that an adequate domestic water supply is feasible, and the county's finding of compliance relies exclusively on a condition requiring that the applicant establish a domestic water supply. *Thomas v. Wasco County*, 35 Or LUBA 173 (1998).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. Findings are inadequate where a local government's decision makes conclusory statements of compliance with the applicable approval criteria without giving any factual or legal analysis to support the conclusion that the application complies with each of the criteria. *Larvik v. City of La Grande*, 34 Or LUBA 467 (1998).

Administrative Law – Findings Generally – Necessary Elements. Findings that the applicant has testified that applicable criteria will be met are conclusory and inadequate because they fail to identify the review standards, set out the facts relied upon or explain how those facts led to the decision. *Turrell v. Harney County*, 34 Or LUBA 423 (1998).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. Findings are adequate and supported by substantial evidence when the decision maker assembles evidence, identifies the relevant code standard, sets out the evidence found to be persuasive and explains how that evidence led to the decision. *Mountain Gate Homeowners v. Washington County*, 34 Or LUBA 169 (1998).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. When a challenged decision fails to incorporate a staff report or council minutes as findings, LUBA's review of the challenged decision for adequate findings is limited to the decision itself. *Hackler v. City of Hermiston*, 33 Or LUBA 755 (1997).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. Local findings addressing an approval criterion may be viewed together with findings in other documents that are incorporated into the decision as findings, in order to comply with the requirements that findings identify the applicable criteria, adequately demonstrate the facts relied upon and adequately

explain how those facts show compliance with the applicable criteria. *Winkler v. City of Cottage Grove*, 33 Or LUBA 543 (1997).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. Local government findings of compliance with an applicable approval standard must state the facts the local government relies on and explain why those facts lead to the conclusion that the standard is satisfied. *Reeves v. Yamhill County*, 28 Or LUBA 123 (1994).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. Findings must identify relevant approval standards, identify the facts relied upon, and explain why those facts support a conclusion that the standard is met. *Testa v. Clackamas County*, 26 Or LUBA 357 (1994).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. 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).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. A local government decision approving a quasi-judicial zone change must be supported by written findings identifying the applicable criteria, setting out the facts relied on and explaining the reasons why the facts establish compliance with the applicable standards. *Strecker v. City of Spray*, 25 Or LUBA 264 (1993).

1.3.2 Administrative Law – Findings Generally – Necessary Elements. Findings must identify the relevant approval standards, (2) set out the facts which are believed and relied upon, and (3) explain how those facts lead to the decision on compliance with the approval standards. *Heiller v. Josephine County*, 23 Or LUBA 551 (1992).