1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a local government legislatively decreases the height limit in one part of a historic district and increases the height limit in another part of the historic district, findings that focus on the importance of creating incentives for development of vacant parcels in the historic district, determine that the new height limits are lower than those outside the historic district, and conclude that "the issue of consistency [is] best left to the Landmarks Commission who remain charged with reviewing future development proposals" are not adequate to explain how the new height limits comply with a comprehensive plan policy that requires the local government to "preserv[e] and complement[] historic resources." *Restore Oregon v. City of Portland*, 80 Or LUBA 158 (2019).

1.4.1 Administrative Law – Adequacy of Findings – Generally. While applying pesticides and herbicides in a manner that causes overspray or drift onto adjoining properties is not an accepted farm practice for purposes of the farm impacts test at ORS 215.296(1), where the labels for some pesticides and herbicides effectively require a setback from certain sensitive uses regardless of whether drift or overspray occurs, a county will likely have to make specific factual findings about the specific setbacks required by particular chemicals on particular farming operations on surrounding farmlands, based on application methods, and whether the operation of each setback would force a significant change in farm practices. *Van Dyke v. Yamhill County*, 80 Or LUBA 348 (2019).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A condition of approval requiring that an applicant construct a proposed fence between a proposed trail and adjoining farms; specifying only that the proposed fence must be "capable of preventing dogs and people from entering adjacent farm fields"; punting all determinations regarding fence design, materials, construction, etc. to a subsequent master planning process that offers no opportunity for a public hearing or other public input; and allowing adjacent landowners to opt out of installing a fence on their property line is inadequate where the county relies on the proposed fence to address a wide variety of different potential impacts, which might require different fence designs, materials, construction techniques, and maintenance routines in order to ensure that the trail will not cause significant impacts on farm practices for purposes of the farm impacts test at ORS 215.296(1). Such a condition is also not clear and objective for purposes of ORS 215.296(2). *Van Dyke v. Yamhill County*, 80 Or LUBA 348 (2019).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a local code provision requires a finding that "[t]he proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use," and where the record includes undisputed expert testimony that fire and emergency access are inadequate unless a proposed trail and its bridges are built to certain standards, it is insufficient for the local government to state, without any supporting evidence, that it is "feasible" to design the trail and bridges to provide adequate fire and emergency access and then punt all determinations regarding trail and bridge design to a subsequent master planning process. *Van Dyke v. Yamhill County,* 80 Or LUBA 348 (2019).

1.4.1 Administrative Law – Adequacy of Findings – Generally. 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).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a county determines that a property qualifies for a forest template dwelling under ORS 215.750 because at least three dwellings existed on surrounding lots or parcels on January 1, 1993, based on a statement of the applicant, a recollection of the prior owner of one of the surrounding dwellings, an email from a contractor who worked on one of the surrounding dwellings, and a statement by the tax assessor that its records showed a dwelling in place on January 1, 1993, but where LUBA concludes that the county erred in accepting the email, where LUBA cannot determine whether the county would have reached the same conclusion without the email, and where the county's findings failed to address evidence that the tax rolls indicate existence of the dwelling as of July 1993 rather than January 1993, LUBA will remand for the county to adopt adequate findings. *Eng v. Wallowa County*, 79 Or LUBA 421 (2019).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Absent a legal definition for how the center point of a property must be established for purposes of determining whether it qualifies for a forest template dwelling under ORS 215.750, a county errs by not explaining the basis for its conclusion that its chosen method is the most appropriate and by not addressing opponents' arguments challenging that method. *Eng v. Wallowa County*, 79 Or LUBA 421 (2019).

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1.4.1 Administrative Law – Adequacy of Findings – Generally. 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).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A single set of findings may be relied on to address more than one similar comprehensive plan goal or policy, so long as the findings are adequate to show the proposal complies with both standards. *Nicita v. City of Oregon City*, 74 Or LUBA 176 (2016).

1.4.1 Administrative Law – Adequacy of Findings – Generally. There is no general requirement that a city council discuss the evidence it chooses not to rely on and a city council's failure to discuss opposing evidence does not necessarily mean the city council did not consider that opposing evidence. *Evans v. City of Bandon*, 74 Or LUBA 418 (2016).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A local government's decision that identifies by subject the portion of a staff report that is incorporated as findings in the final decision is adequate to incorporate the findings section of the staff report as findings. *Altamont Homeowners' Assoc., Inc. v. City of Happy Valley*, 73 Or LUBA 126 (2016).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A finding that the decision maker "reviewed" a number of documents is not sufficient to adopt or incorporate those documents as findings to support a decision. *Burgermeister v. Tillamook County*, 73 Or LUBA 291 (2016).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Absent LCDC rule-making, whether proposed industrial use of rural land is rural or urban in nature requires consideration of the factors described in case law. Where a county takes a reason exception to allow a wide range of unspecified industrial uses without considering the factors described in case law, the county's bare finding that the proposed amendments do not authorize urban use of rural land is inadequate and conclusory. *Columbia Riverkeeper v. Columbia County*, 70 Or LUBA 171 (2014).

1.4.1 Administrative Law – Adequacy of Findings – Generally. If a local government's decision fails to adequately identify the documents incorporated as findings, or attempts to incorporate documents that do not include findings, the purported incorporation of those other documents and materials fails, and the city may not rely on those documents to defend against a specific inadequate findings challenge. *Hess v. City of Corvallis*, 70 Or LUBA 283 (2014).

1.4.1 Administrative Law – Adequacy of Findings – Generally. If a local government attempts to incorporate as findings documents that are not fairly described as findings, those documents may not be relied upon as findings to support the decision. *Hess v. City of Corvallis*, 70 Or LUBA 283 (2014).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A local government's incorporation of "any attachments or exhibits" to other incorporated documents that does not adequately describe those attachments or exhibits, and essentially attempts to sweep into the decision a number of documents that do not function as findings, is overbroad and fails. *Hess v. City of Corvallis*, 70 Or LUBA 283 (2014).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A local government's incorporation of documents that are not adequately described by date, title, or subject in either the description included in the decision, or in the record itself, fails and the documents will not be

considered in resolving an inadequate findings challenge. *Hess v. City of Corvallis*, 70 Or LUBA 283 (2014).

1.4.1 Administrative Law – Adequacy of Findings – Generally. 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).

1.4.1 Administrative Law – Adequacy of Findings – Generally. 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).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Remand is necessary where a city deletes two refinement plan policies requiring protection of existing manufactured dwelling parks, and zones the parks to make them non-conforming uses, but the findings do not explain how the amendments are consistent with a comprehensive plan policy requiring conservation of existing affordable housing. *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1 (2013).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Findings that satisfaction of DEQ noise standards is feasible based on measures identified in a noise study as a combination of noise control measures that might not utilize a noise attenuation berm are adequate and are supported by substantial evidence in the record, where a noise berm is not categorically precluded or required as a mitigation measure and the noise study specifically left open the possibility that other measures without a noise berm could satisfy the standard. *Protect Grand Island Farms v. Yamhill County*, 67 Or LUBA 278 (2013).

1.4.1 Administrative Law – Adequacy of Findings – Generally. 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).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A petitioner at LUBA who alleges a land use decision should be remanded because a local government failed to address a relevant issue must (1) identify the issue raised, (2) demonstrate the issue was adequately raised, and (3) establish the issue is relevant to applicable approval criteria in some way. A petitioner who simply refers to 86 pages of single spaced written argument below fails to carry that burden. *Rosenzweig v. City of McMinnville*, 64 Or LUBA 402 (2011).

1.4.1 Administrative Law – Adequacy of Findings – Generally. General findings that address some of the impacts of a proposal on the surrounding neighborhood are inadequate to explain how the proposal satisfies specific conditional use criteria that apply to the proposal. *Poe v. City of Warrenton*, 63 Or LUBA 20 (2011).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A local government does not impermissibly defer making a determination of compliance with an applicable approval criterion to a future proceeding when it imposes a condition of approval that requires a 12-foot-wide multi-use path to be constructed in a location within a 45-foot easement area to be determined in the future by the applicant, but rather allows an applicant the flexibility to construct the path in the location within that easement area that minimizes adverse impacts to a protected riparian area. *League of Women Voters v. City of Corvallis*, 63 Or LUBA 432 (2011).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A zoning ordinance PUD Master Plan modification criterion that requires that the modification not have significant additional impacts on surrounding properties applies at the time the PUD Master Plan is modified, and the required finding that the modification will not have such impacts must be made at the time the PUD is modified and that finding cannot be deferred to a later date even though the precise nature of development may be better known at that later date. *Athletic Club of Bend v. City of Bend*, 63 Or LUBA 467 (2011).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A petitioner's argument that the city failed to comply with a transportation system plan policy that requires that the city hold a public meeting with affected property owners before selecting a roadway alignment provides no basis for reversal or remand, where the city adopted findings that the cited policy does not apply to the kind of decision on appeal and was satisfied even if it did apply, and petitioner fails to assign error to or otherwise challenge those findings. *Reeves v. City of Wilsonville*, 62 Or LUBA 142 (2010).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a petitioner does not challenge a hearings officer's finding that petitioner's use of his property for a wedding event required review and county approval under one code provision, and petitioner does not allege his wedding event received county review and approval, petitioner's arguments that the use could have been approved under a different code provision provide no basis for reversal or remand. *Reed v. Jackson County*, 61 Or LUBA 253 (2010).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where there is (1) a lack of evidence that the additional parking spaces that would be required under a legislative land use regulation amendment will materially increase the total number of vehicle trips, (2) some evidence that the legislative amendment will not cause trips to increase materially, and (3) petitioner does not identify which transportation facilities it believes will be significantly affected by the amendment, a local government's brief finding that the legislative amendment will not significantly affect transportation facilities is adequate. *Home Builders Association v. City of Eugene*, 59 Or LUBA 116 (2009).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A local government's legislative land use regulation amendment that increases the required number of off-street parking spaces for multiple family dwellings could impact the local government's plan to comply with OAR 660-012-0045(5)(c)(A), which requires that the local government have a parking plan which "[a]chieves a 10% reduction in the number of parking spaces per capita in the MPO." Where such a legislative land use decision is not supported by findings that address OAR 660-012-0045(5)(c)(A), the decision must be remanded. *Home Builders Association v. City of Eugene*, 59 Or LUBA 116 (2009).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A mitigation plan that is submitted to comply with a destination resort approval standard that requires that destination resorts employ mitigation measures to ensure "no net loss of wildlife" is inadequate where that mitigation plan proposes off-site mitigation and the location of the 4,501 acres that provide the needed mitigation, the nature of the habitat on those 4,501 acres, and the particular mix of mitigation measures that will be employed on those 4,501 acres are all unknown. Those details must be supplied at a stage where opponents still have a meaningful opportunity to challenge the adequacy of the proposed mitigation plan. *Gould v. Deschutes County*, 59 Or LUBA 435 (2009).

1.4.1 Administrative Law – Adequacy of Findings – Generally. 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).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a petitioner does not explain why challenged findings are inadequate, but rather disagrees with the conclusion reached in those findings, petitioner's challenge to the findings will not be sustained. *Knapp v. City of Corvallis*, 55 Or LUBA 376 (2007).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Petitioner's argument that a finding is not supported by substantial evidence provides no basis for reversal or remand, where petitioner does not establish that the finding is required to address a relevant legal standard. *Meadow Neighborhood Assoc. v. Washington County*, 54 Or LUBA 124 (2007).

1.4.1 Administrative Law – Adequacy of Findings – Generally. 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).

1.4.1 Administrative Law – Adequacy of Findings – Generally. 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).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a local code allows a non-farm dwelling only on land that is not predominantly composed of Class I through Class VI soils, and the property is composed predominantly of Class VI soils, a local government errs in finding that an application complies with that code provision. *Ott v. Lake County*, 54 Or LUBA 502 (2007).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A local government's conclusory finding that a sign plan complies with applicable criteria is not a basis for remand where the signage standards are clear and objective, and petitioners do not identify anything about the sign plan or the applicable standards that require more detailed discussion or findings. *Western Express v. Umatilla County*, 54 Or LUBA 571 (2007).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a city council adopts a staff report as supporting findings and the staff report quotes the applicant's proposed findings verbatim, but inserts the words "applicant states" at the beginning of each finding, LUBA will reject a challenge that the findings are inadequate to express what the city council found where: (1) the findings are worded as findings, (2) the findings immediately follow the criteria the findings address, and (3) it is sufficiently clear from the decision that the city council intended to adopt the applicant's findings as its own. *Ettro v. City of Warrenton*, 53 Or LUBA 485 (2007).

1.4.1 Administrative Law – Adequacy of Findings – Generally. LUBA frequently analyzes findings challenges and evidentiary challenges separately and generally analyzes findings challenges first, because LUBA's resolution of the findings challenge frequently affects its resolution of the evidentiary challenge or makes it unnecessary to decide the evidentiary challenge. *Wal-Mart Stores, Inc. v. City of Bend*, 52 Or LUBA 261 (2006).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where petitioners allege that certain findings supporting a land use decision are not supported by substantial evidence, but there are other unchallenged findings addressing the same criterion and it does not appear that the challenged findings are critical to the local government's decision, petitioners' challenge provides no basis for reversal or remand. *Neighbors 4 Responsible Growth v. City of Veneta*, 52 Or LUBA 325 (2006).

1.4.1 Administrative Law – Adequacy of Findings – Generally. City findings that there has been increased commercial development in the neighborhood and that traffic has increased on a nearby state highway and resulted in increased noise are sufficient to demonstrate compliance with a subjective "changed neighborhood conditions" rezoning criterion. *Jaffer v. City of Monmouth*, 51 Or LUBA 633 (2006).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where planning staff recommended findings and a planning commission recommendation appear in the record immediately behind a transcript of a city council motion to adopt an ordinance and the transcript

shows that the city council's decision was based on the planning commission recommendation and the staff's proposed findings, the city council's motion is sufficient to adopt the planning commission recommendation and staff proposed findings as findings in support of its decision. *Rhodes v. City of Talent*, 50 Or LUBA 415 (2005).

1.4.1 Administrative Law – Adequacy of Findings – Generally. When a petitioner challenges findings deferring compliance with applicable approval criteria, that petitioner must: (1) identify the applicable approval criteria; (2) identify the findings that defer consideration of those criteria; and (3) explain how that deferral is inadequate to ensure compliance with the approval criteria. *O'Shea v. City of Bend*, 49 Or LUBA 498 (2005).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Findings that conclude access is available to an adjoining road, but do not explain how the road may be accessed, are not supported by substantial evidence where all of the evidence cited to LUBA indicates that access is not possible. *Seaton v. Josephine County*, 47 Or LUBA 178 (2004).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Failure to adopt findings addressing a comprehensive plan policy requiring provision of preferential carpool and vanpool parking for new commercial uses is not a basis for remand, where the code leaves details of parking lot construction and striping to the city engineer at building permit review, the challenged decision requires the applicant to comply with all code parking requirements, and the petitioner offers no reason that the city engineer cannot require the applicant to provide carpool and vanpool parking as part of building permit review. *Heilman v. City of Corvallis*, 47 Or LUBA 305 (2004).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a non-duplicative plat name is a criterion for preliminary plat approval, a city does not err by granting preliminary plat approval without a plat name and imposing a condition of approval that the applicant submit a non-duplicative plat name prior to final plat approval. For such an approval criterion, it is at most harmless error that the city failed to find that it is feasible for the applicant to submit the required non-duplicative plat name. *Frewing v. City of Tigard*, 47 Or LUBA 331 (2004).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Whether property with predominantly nonfarm soils should nevertheless be viewed as "other lands suitable for farm use" under a county code standard that replicates the Goal 3 definition of agricultural land, is governed by specific considerations. That a property may have been briefly used as an elk and deer holding facility is not one of the specified considerations. *Rutigliano v. Jackson County*, 47 Or LUBA 470 (2004).

1.4.1 Administrative Law – Adequacy of Findings – Generally. There is no generally applicable rule that in approving a land use proposal a local government must find that the proposal complies with state permitting requirements or that it is feasible for the proposal to comply with state permitting requirements. *Paddock v. Yamhill County*, 45 Or LUBA 39 (2003).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Findings that explain that a property's locational characteristics are ideal to support airport-related light industrial uses and that other properties located within city limits are not as well suited for those uses are adequate to

explain why an annexation is consistent with city annexation policies that require a demonstration that the annexation is "needed." *Just v. City of Lebanon*, 45 Or LUBA 162 (2003).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A hearings officer may rely on a staff memorandum to conclude an approval criterion is met, provided (1) the decision clearly identifies the staff memorandum relied upon; and (2) the memorandum adequately sets out the relevant approval criterion and explain the facts relied upon to reach the ultimate conclusion that the standard is satisfied. *Frazee v. Jackson County*, 45 Or LUBA 263 (2003).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Findings that do not address arguments made at the local level that the chosen study area is not reflective of the actual land use pattern of the area are not adequate to satisfy the stability standard set out in OAR 660-033-0130(4)(a)(D). *Frazee v. Jackson County*, 45 Or LUBA 263 (2003).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Testimony from fruit growers that a fruit processing facility provides a market for their fruit and, as a result, provides incentive to those growers to continue their agricultural operations and a condition of approval that requires the operator of the fruit processing facility to grow fruit on its property that will be processed at the facility is sufficient to establish that the proposed fruit processing facility will enhance the farming enterprises of the local agricultural community. *Hiebenthal v. Polk County*, 45 Or LUBA 297 (2003).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Remand to adopt specific findings addressing a local criterion requiring that comprehensive plan amendments be "in the public interest and will be of general public benefit" is not warranted where the findings and narrative text of the amendments make it abundantly clear that the local government believes that the amendments are in the public interest and will benefit the public. *City of Woodburn v. Marion County*, 45 Or LUBA 423 (2003).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A hearings officer's erroneous finding that land is currently employed for nursery stock production is harmless error, where petitioners do not establish that nursery stock production must precede issuance of a permit that is necessary to construct an accessory greenhouse. *Lorenz v. Deschutes County*, 45 Or LUBA 635 (2003).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A city's error in failing to applying an applicable criterion in the manner contemplated by an appellate decision is harmless if the city's alternative findings addressing the applicable criterion are consistent with the appellate decision and are adequate. *Robinson v. City of Silverton*, 44 Or LUBA 308 (2003).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A city's finding that none of the proposed units in a proposed 62-unit assisted living facility will have kitchen facilities and therefore each unit should not be considered an individual "housing unit" for the purposes of a housing density standard is inadequate, where there is evidence that administrative rules governing assisted living facilities require kitchen facilities in every unit, and the city's findings do not address those administrative rules. *Robinson v. City of Silverton*, 44 Or LUBA 308 (2003).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where the meaning of an approval standard is ambiguous and disputed during local proceedings, an unexplained conclusion that the standard is met is inadequate to supply the findings required by ORS 215.416(9). *Underhill v. Wasco County*, 43 Or LUBA 277 (2002).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A finding that a proposed Head Start program is not a school is inadequate, where it does not answer the relevant the question under the code, which is whether the proposed use is a "public building." *Oregon Child Devel. Coalition v. City of Madras*, 43 Or LUBA 184 (2002).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a local approval criterion requires a finding that a proposed use will have a minimal adverse impact on surrounding uses compared to the impact of development permitted outright, a city may not limit its impact analysis to only one permitted use, where other permitted uses in the zone may have impacts similar to those of the proposed use. *Oregon Child Devel. Coalition v. City of Madras*, 43 Or LUBA 184 (2002).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a local approval criterion requires a finding that a proposed use will "preserve assets of particular interest in the community," a city council's finding that the proposed use does not satisfy the criterion is inadequate where the finding merely sets out a series of concerns about the proposed use without explaining why those concerns are "assets of particular interest" that the proposed use will not preserve. *Oregon Child Devel. Coalition v. City of Madras*, 43 Or LUBA 184 (2002).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A standard that imposes both an analytical requirement and an ultimate legal standard that public services be adequate to accommodate a proposed zone change is not satisfied by a conclusion that the ultimate legal standard is met, if the required analysis has not been conducted. *Fay v. City of Portland*, 43 Or LUBA 390 (2002).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A county's findings regarding the infeasibility of locating a radio transmission tower on either of two city-owned lots are adequate where the findings parallel an earlier memorandum in the record regarding one of the tax lots, and that earlier memorandum addresses the infeasibility of the other tax lot, notwithstanding the county's failure to recite specific aspects of the memorandum addressing the second tax lot. *Van Nalts v. Benton County*, 42 Or LUBA 497 (2002).

1.4.1 Administrative Law – Adequacy of Findings – Generally. 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 (2002).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Findings that merely assert that a property is better suited for rural residential use than for farm use are inadequate to support a reasons exception under OAR 660-004-0020 and 660-004-0022. *DLCD v. Yamhill County*, 42 Or LUBA 126 (2002).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where it is unclear who would own a proposed "personal use airport" in an EFU zone, and whether the uses that the owner plans to make of the airport would be consistent with the uses allowed under ORS 215.283(2)(h), the owner must be identified and the county's findings must explain why it concludes that the proposed uses fall within the uses allowed with a personal use airport. *Oregon Natural Desert Assoc. v. Grant County*, 42 Or LUBA 9 (2002).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A city council finding that corrects a local appellant's citation to a city code provision provides no basis for reversal or remand where the correction has no effect on the city council's disposition of the merits of the local appellant's challenge. *Sattler v. City of Beaverton*, 41 Or LUBA 295 (2002).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A petitioner's challenge to a finding because it is more responsive to one code criterion than to another provides no basis for reversal or remand where the city's findings as a whole show that both criteria have been met. *Sattler v. City of Beaverton*, 41 Or LUBA 295 (2002).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a hearings official adopts detailed findings concerning the nature of the "surroundings" in applying a local approval criterion that requires that a proposed use be compatible with its surroundings, geographic ambiguity about the outer reach of the "surroundings" that were considered by the hearings official will provide no basis for remand, where petitioners identify no uses that they believe fall within the relevant "surroundings" and were not considered by the hearings official. *Knight v. City of Eugene*, 41 Or LUBA 279 (2002).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where petitioner raises issues regarding whether a proposed site design complies with potentially applicable approval criteria, the local government's decision must respond by either (1) determining that the cited provisions are not applicable approval criteria or (2) demonstrating that the proposal complies with such provisions. *Elliott v. City of Redmond*, 40 Or LUBA 242 (2001).

1.4.1 Administrative Law – Adequacy of Findings – Generally. In addressing an "adequate public facilities" zone change criterion, a county is not required to adopt findings specifically addressing every use allowed in the proposed commercial zone; more general findings may suffice. Where no party raises any issue concerning potential uses that may place more stringent demands on public facilities than the proposed use, the county may limit its consideration to the proposed use. *Swyter v. Clackamas County*, 40 Or LUBA 166 (2001).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a finding incorporates findings from elsewhere in the decision to address an approval criterion, but refers to a paragraph number that is not included in the decision, that error provides no basis for reversal or remand

where it is obvious which findings the reference intended to incorporate. *Hubenthal v. City of Woodburn*, 39 Or LUBA 20 (2000).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A city's finding that the portion of a dwelling exceeding a code-mandated height limit adversely affects the ocean view of a neighboring property is supported by substantial evidence where the record includes photographs, a videotape and drawings that show the subject dwelling blocking the view of ocean water from the neighboring property, notwithstanding that the photographs, videotape and drawings show that the subject dwelling blocks only a tiny sliver of ocean water view. *Rivera v. City of Bandon*, 38 Or LUBA 736 (2000).

1.4.1 Administrative Law – Adequacy of Findings – Generally. 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).

1.4.1 Administrative Law – Adequacy of Findings – Generally. In reviewing findings adopted to support the imposition of exactions, LUBA first determines if any identified impacts or benefits are not relevant for the purposes of the rough proportionality analysis required by *Dolan v. City of Tigard*, 512 US 374, 114 S Ct 2309, 129 L Ed 2d 304 (1994). LUBA then looks at whether the remaining findings adequately quantify the benefits to the development or the impacts of the development on public facilities, and whether those findings suffice to demonstrate that the city's exactions are "roughly proportional" to those benefits and impacts. *McClure v. City of Springfield*, 37 Or LUBA 759 (2000).

1.4.1 Administrative Law – Adequacy of Findings – Generally. In some cases, the impacts resulting from the development may be so great, and the exactions imposed so small, that it is readily apparent without additional explanation that the exactions are roughly proportional to the expected impact. *McClure v. City of Springfield*, 37 Or LUBA 759 (2000).

1.4.1 Administrative Law – Adequacy of Findings – Generally. The impacts resulting from the approval of two residential parcels are not so great as to make it self-evident that the imposition of a 20-foot dedication of right-of-way requirement is roughly proportional to the impacts of the proposed development. *McClure v. City of Springfield*, 37 Or LUBA 759 (2000).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Unless a local government makes some effort to quantify the benefits accruing to a particular development, those benefits will be of limited assistance in applying the rough proportionality analysis required by *Dolan v. City of Tigard*, 512 US 374, 114 S Ct 2309, 129 L Ed 2d 304 (1994). *McClure v. City of Springfield*, 37 Or LUBA 759 (2000).

1.4.1 Administrative Law – Adequacy of Findings – Generally. 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).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Findings that express confidence that particular existing zoning districts could be applied to implement a conditional plan map amendment are legally irrelevant, where the decision to amend the zoning map to implement the new plan map designation is deferred to a later date. *Neighbors for Livability v. City of Beaverton*, 37 Or LUBA 408 (1999).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a party argues that the decision is supported by substantial evidence, but fails to identify where in the record that evidence is located, LUBA will not search the record for such evidence. *DLCD v. Wallowa County*, 37 Or LUBA 105 (1999).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where the local government's findings are based entirely on a faulty analysis of the evidence, LUBA will remand the decision to permit the local government to reweigh and review the evidence and adopt findings consistent with a correct analysis. *Johnson v. Clackamas County*, 37 Or LUBA 73 (1999).

1.4.1 Administrative Law – Adequacy of Findings – Generally. In considering challenges to committed exception findings the question of whether the local government adopted the required findings addressing the characteristics of adjacent lands and the relationship between the exception area and adjacent lands is distinct from the question of whether the adopted findings demonstrate that uses allowed by Goal 3 are impracticable on the subject property. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Under OAR 660-004-0028(6)(c)(A), conflicts with rural residential development in exception areas created pursuant to applicable goals cannot be used to justify a committed exception on the subject property. A finding that a majority of nearby parcels were created before the statewide planning goals is insufficient to demonstrate compliance with this requirement. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999).

1.4.1 Administrative Law – Adequacy of Findings – Generally. The requirement in OAR 660-004-0028(6)(c)(B) that "several contiguous undeveloped parcels" under one ownership shall be considered as one farm or forest operation does not require that a contiguous developed parcel be considered as part of contiguous farm operation. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999).

1.4.1 Administrative Law – Adequacy of Findings – Generally. OAR 660-004-0028 does not require a finding that the characteristics of the proposed exception area are sufficient in and of themselves to commit the property to nonresource use. All factors in the rule must be considered, including the characteristics of the adjacent lands. *Lovinger v. Lane County*, 36 Or LUBA 1 (1999). (1999)

1.4.1 Administrative Law – Adequacy of Findings – Generally. A county's conclusory finding that goals protecting housing are not violated by rezoning rural residential property for industrial use because proximity of the property to commercial and industrial uses and an interstate highway

makes use of the property for rural residential uses impracticable is inadequate, where the record includes no evidence of conflicts with those uses that might make rural residential uses impracticable. *James v. Josephine County*, 35 Or LUBA 493 (1999).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a county's land use decision approving a forest template dwelling consists of a single-page form that contains blanks for the subject property's legal description, zoning, size and the names and addresses of the applicant and any representatives plus signature lines, the decision is not supported by adequate findings. *Krieger v. Wallowa County*, 35 Or LUBA 305 (1998).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A city's failure to adopt findings specifically addressing a plan criterion is not error where the substance of the plan policy is addressed in the city's findings. *Hannah v. City of Eugene*, 35 Or LUBA 1 (1998) (1998).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Findings concerning the size and density of a proposal which simply cite to assessor's records as the basis for the findings are not supported by substantial evidence, where the record does not include the assessor's records or any other evidence that supports the findings. *Johnston v. City of Albany*, 34 Or LUBA 32 (1998).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A finding need not include an express interpretive statement about the meaning of a code standard as long as the local government's interpretation of the standard can be discerned from the way the standard is applied. *Port Dock Four, Inc. v. City of Newport*, 33 Or LUBA 613 (1997).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where visual impact, noise and safety issues are relevant to compliance with applicable standards and are raised by petitioner below, the local government must adequately address those issues, and conclusory findings unsupported by substantial evidence are inadequate. *Port Dock Four, Inc. v. City of Newport*, 613 (1997).

1.4.1 Administrative Law – Adequacy of Findings – Generally. ORS 197.835(11)(b) allows LUBA to overlook minor defects in local government findings when substantiating evidence makes the local government's decision obvious or inevitable; it does not authorize LUBA to disregard the local government's actual findings or to read into those findings language that is not stated. *Harcourt v. Marion County*, 33 Or LUBA 400 (1997).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Under ORS 197.835(11)(b), LUBA is authorized to review the findings and conclusions made by the governing body and correct minor oversights or omissions; however, the county's unexplained and unsupported determination of compliance with applicable criteria is not a minor oversight, and LUBA will not analyze the record and substantiate the county's conclusions. *Harcourt v. Marion County*, 33 Or LUBA 400 (1997).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Contrary to the contention that limited land use decisions require only cursory findings, ORS 227.173(2), which states the requirement for findings in support of a city permit approval, makes no distinction between land

use decision findings and limited land use decision findings. *Design Home Construction v. City of Silverton*, 32 Or LUBA 452 (1997).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where evidence identified in the city's brief clearly supports a finding that a proposed development will not significantly affect a transportation facility, LUBA will affirm that part of the city's decision under ORS 197.835(9), notwithstanding the city's failure to make the required finding. *Marcott Holdings, Inc. v. City of Tigard*, 30 Or LUBA 101 (1995).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where the local code requires that certain "factors" be considered, a finding that the subject property is located in a school district is not responsive to the factor "school district service capability," because the finding says nothing about the capability of the school district to serve the proposed development. *McNamara v. Union County*, 28 Or LUBA 396 (1994).

1.4.1 Administrative Law – Adequacy of Findings – Generally. In addressing a code requirement concerning visual impacts, a local government is not required to establish that every condition imposed will mitigate all visual impacts. *Mazeski v. Wasco County*, 28 Or LUBA 159 (1994).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a local government adopts a number of different findings addressing a code standard requiring protection of the visual character of the area, and petitioners challenge some but not all of those findings, but make no attempt to explain why the findings taken as a whole are inadequate, petitioners provide no basis for reversal or remand. *Mazeski v. Wasco County*, 28 Or LUBA 159 (1994).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where petitioners challenge planning commission findings addressing a standard requiring that the proposed use not force a significant change in farm or forest practices on adjoining lands, but do not challenge findings adopted by the county court which go beyond the planning commission findings, petitioners fail to provide a basis for reversal or remand. *Mazeski v. Wasco County*, 28 Or LUBA 159 (1994).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A local government decision maker may adopt staff-prepared findings as its own. That the planner who prepared the findings later advised the decision maker the findings are erroneous does not establish that the findings in fact are erroneous. *Gettman v. City of Bay City*, 28 Or LUBA 116 (1994).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A planning director's decision that a development has satisfied the requirements of local ordinances is inadequate for review if it does not identify which provisions of the ordinances it addresses, does not set out the facts relied on, and does not relate the facts to the ordinance provisions addressed. *Hart v. Jefferson County*, 27 Or LUBA 612 (1994).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A finding that simply states the farm management plan submitted by an applicant for farm dwelling approval meets the local

code's definition of "commercial farm" is impermissibly conclusory. *Kunze v. Clackamas County*, 27 Or LUBA 130 (1994).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where petitioners contend the challenged decision does not demonstrate compliance with an applicable comprehensive plan policy, but fail to explain how the findings adopted by the local government addressing that policy are inadequate, LUBA will reject their contention. *Dorgan v. City of Albany*, 27 Or LUBA 64 (1994).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Findings which simply discuss public facilities and how they will be provided are inadequate to demonstrate compliance with a code requirement that a proposed planned unit development have "no greater demand on public facilities and services than other authorized uses for the land." *DLCD v. Crook County*, 26 Or LUBA 478 (1994).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where findings do not directly address the question of the level of public facilities necessary to serve a proposed 120-lot planned unit development on EFU-zoned land, those findings are inadequate to demonstrate compliance with plan policies implementing Goals 11 and 14, which require that public facilities be provided on such rural land "at levels appropriate for rural use only and should not support urban uses." *DLCD v. Crook County*, 26 Or LUBA 478 (1994).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where petitioners contend the challenged decision does not demonstrate compliance with an applicable approval standard, and the decision does not interpret the standard sufficiently for LUBA to review that interpretation and consider petitioners' arguments, LUBA will remand the decision to the local government. *Bottum v. Union County*, 26 Or LUBA 407 (1994).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a local government fails to adopt findings identifying and applying applicable criteria, it is not possible for LUBA to perform its review function. *Laine v. City of Rockaway Beach*, 26 Or LUBA 417 (1994).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where petitioners contend the local government failed to adopt findings addressing standards that appear to be relevant to the challenged decision, and the challenged decision includes only a conclusory statement that applicants have adequately demonstrated compliance with such standards, LUBA will remand the decision for lack of adequate findings. *Cummings v. Tillamook County*, 26 OR LUBA 139 (1993).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a comprehensive plan provides that a four minute response time is critical for certain types of emergencies, a conclusion that a three to five minute response time for emergency vehicles is adequate to comply with the plan is inadequate to establish compliance with the plan. *Langford v. City of Eugene*, 26 Or LUBA 60 (1993).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Findings supporting approval of a PUD that determine there are solutions available to various landslide, drainage and related

problems affecting the subject property, and that those solutions are possible, likely and reasonably certain to succeed, are adequate to establish that the local government did not improperly defer compliance with relevant PUD standards. *Corbett/Terwilliger Neigh. Assoc. v. City of Portland*, 25 Or LUBA 601 (1993).

1.4.1 Administrative Law – Adequacy of Findings – Generally. An expression of belief that a local code standard imposing a specific decibel limitation will not be violated is not an adequate finding of compliance with that standard. Expressions by the applicant's attorney that noise generated by the proposed use will not be excessive or violate the standard are not substantial evidence that the standard will be met. *Weuster v. Clackamas County*, 25 Or LUBA 425 (1993).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Local code requirements that floodplain alterations for a driveway be in the public interest and meet some public need or public convenience are satisfied by determinations that (1) there is a public need for, and public interest in, the provision of housing; (2) the subject property is zoned for residential use; and (3) there is a need for, and a public interest in, the provision of access to the property to enable residential use. *Clarke v. City of Hillsboro*, 25 Or LUBA 195 (1993).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Allegations that amount to no more than a disagreement with the ultimate conclusion reached by the local government in its findings, provide no basis for reversal or remand of the challenged decision. *McGowan v. City of Eugene*, 24 Or LUBA 540 (1993).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Adequate findings enable participants in local government land use proceedings to understand the basis for the local government's decision and to determine whether an appeal is warranted. *Gonzalez v. Lane County*, 24 Or LUBA 251 (1992).

1.4.1 Administrative Law – Adequacy of Findings – Generally. Where a local government adopts findings specifically addressing an approval standard, petitioners may not fail to challenge the adequacy of the local government's findings, or their evidentiary support, and simply allege reasons why they believe the standard might be violated. *Mercer v. Josephine County*, 23 Or LUBA 608 (1992).

1.4.1 Administrative Law – Adequacy of Findings – Generally. A local code requirement for findings of preliminary PUD or subdivision plan feasibility does not require the kind of certainty or supporting evidence that may ultimately be required for approval of final construction plans. *Bartels v. City of Portland*, 23 Or LUBA 182 (1992).