1.4.7 Administrative Law – Adequacy of Findings – Scope. Relying upon a local government staff report's citation to local code provisions is insufficient to "raise" an "issue" for purposes of bringing an appeal before LUBA under those code provisions pursuant to ORS 197.763(1) and 197.835(3) because no party to the proceedings below would understand from the staff report that an "issue" had been "raise[d]" regarding compliance with those code provisions. *McAndrew v. Washington County*, 78 Or LUBA 21 (2018).

1.4.7 Administrative Law – Adequacy of Findings – Scope. Where a local code provision requires that a proposed development project not "seriously interfere" with the preservation of "fish and wildlife areas and habitat" as identified under the county's comprehensive plan, a hearings officer does not err in applying the code provision only to that portion of the property that is designated as "fish and wildlife areas and habitat." *McAndrew v. Washington County*, 78 Or LUBA 21 (2018).

1.4.7 Administrative Law – Adequacy of Findings – Scope. 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).

1.4.7 Administrative Law – Adequacy of Findings – Scope. Goal 16, Implementation Requirement 1 requires evaluation of the impacts of development allowed under proposed zoning, but does not require the local government to evaluate potential adverse impacts of alterations approved in earlier land use decisions. *Oregon Coast Alliance v. City of Brookings*, 72 Or LUBA 222 (2015).

1.4.7 Administrative Law – Adequacy of Findings – Scope. Where a local code provides that "Significant Natural Areas" are a subset of "Significant Natural Resources," a hearings officer does not err in failing to find that a proposed subdivision complies with a local code section that only applies to "Significant Natural Areas," absent a demonstration that the area in question is not only a "Significant Natural Resource," but also a "Significant Natural Area." *Carver v. Washington County*, 70 Or LUBA 23 (2014).

1.4.7 Administrative Law – Adequacy of Findings – Scope. Findings supporting a legislative decision that amends the Oregon Highway Plan to provide a process for modifying mobility standards need not address issues raised below regarding whether future decisions approving higher mobility standards will cause increased congestion of specific transportation facilities and increase pollution contrary to Goal 6, where Goal 6 will apply directly to any future decisions approving higher mobility standards for specific transportation facilities, and such issues cannot be meaningfully addressed in a legislative decision adopting general amendments to the Oregon Highway Plan. *Setniker v. ODOT*, 66 Or LUBA 54 (2012).

1.4.7 Administrative Law – Adequacy of Findings – Scope. When an approval criterion requires that the property for which a variance is sought must have circumstances that do not apply to "other properties in the same vicinity or land use district," the findings must address whether the

circumstances which allegedly support a variance exist on other properties in the same vicinity or land use district. *Butte Conservancy v. City of Gresham*, 51 Or LUBA 194 (2006).

1.4.7 Administrative Law – Adequacy of Findings – Scope. In granting design approval for a highway interchange improvement project originally proposed as part of a larger project, a decision maker is not required to study and address interim impacts to existing facilities covered by the larger project other than the interchange, and the decision maker's failure to do so does not leave the evidence supporting approval of the interchange project something other than substantial evidence. *Witham Parts and Equipment Co. v. ODOT*, 42 Or LUBA 435 (2002).

1.4.7 Administrative Law – Adequacy of Findings – Scope. Findings adequate to demonstrate that an urban renewal plan "conforms to the comprehensive plan as a whole" pursuant to ORS 457.095(3) must at least (1) set forth the applicable comprehensive plan provisions and (2) express the local government's judgment as to the relationship between the renewal plan and the pertinent plan provisions. While the phrase "as a whole" in ORS 457.095(3) may allow the local government to balance competing plan policies, it does not allow the local government to address only some policies it identifies as being applicable and, without explanation, fail to address others also identified as applicable. *Zimmerman v. Columbia County*, 40 Or LUBA 483 (2001).

1.4.7 Administrative Law – Adequacy of Findings – Scope. Until the county has adopted findings that determine precisely what inventoried Goal 5 resource areas are located on the subject property, it is not possible to identify which county Goal 5 resource protection programs affect all or parts of the subject property, and the county is in no position to adopt findings explaining whether a committed-exception zone-change is consistent with the county's existing Goal 5 resource protection provisions. *Pekarek v. Wallowa County*, 36 Or LUBA 494 (1999).

1.4.7 Administrative Law – Adequacy of Findings – Scope. Findings addressing lands available for rural residential development need not consider residential land within urban growth boundaries. Land within urban growth boundaries is not rural land. *Turrell v. Harney County*, 36 Or LUBA 244 (1999).

1.4.7 Administrative Law – Adequacy of Findings – Scope. An assignment of error challenging the adequacy of findings that an approval criterion is met must be denied, where the decision maker also adopts alternative findings that the approval criterion does not apply to the challenged permit application and those alternative findings are not challenged. *Port Dock Four, Inc. v. City of Newport*, 36 Or LUBA 68 (1999).

1.4.7 Administrative Law – Adequacy of Findings – Scope. 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).

1.4.7 Administrative Law – Adequacy of Findings – Scope. 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).

1.4.7 Administrative Law – Adequacy of Findings – Scope. 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).

1.4.7 Administrative Law – Adequacy of Findings – Scope. 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).

1.4.7 Administrative Law – Adequacy of Findings – Scope. A local provision requiring compatibility between a proposed use and development of abutting properties by outright permitted uses does not require an exhaustive listing and discussion of every subcategory of use permitted in the area. A county's general description of permitted uses and explanation why the proposed use is compatible with types of permitted uses is adequate. *Thomas v. Wasco County*, 35 Or LUBA 173 (1998).

1.4.7 Administrative Law – Adequacy of Findings – Scope. A specific finding of feasibility regarding an approval criterion is not satisfied by a general finding of overall feasibility, where a number of problems and conflicts were identified during the local proceedings concerning the particular approval criterion. *Tenly Properties Corp. v. Washington County*, 34 Or LUBA 352 (1998).

1.4.7 Administrative Law – Adequacy of Findings – Scope. Where a decision does not describe land uses on any of the tax lots in the study area, how many lots are used for farm, forest or other uses, what those uses are, or how extensive those uses are, the decision does not supply enough information to draw a "clear picture" of the land use pattern in the area. *Hearne v. Baker County*, 34 Or LUBA 176 (1998).

1.4.7 Administrative Law – Adequacy of Findings – Scope. Lot and parcel sizes are not dispositive of, or even particularly relevant to, determining the land use pattern. Even less relevant are tax lot sizes, which are less likely than lots and parcels to correspond to land ownership and land uses. *Hearne v. Baker County*, 34 Or LUBA 176 (1998).

1.4.7 Administrative Law – Adequacy of Findings – Scope. Plan map and zoning amendments that significantly affect a transportation facility must be consistent with the Transportation Planning Rule (TPR). Therefore findings must address Goal 12 and the TPR as they apply to all access to the subject property unless the local government restricts access by imposing conditions of approval. *Sanders v. Yamhill County*, 34 Or LUBA 69 (1998).

1.4.7 Administrative Law – Adequacy of Findings – Scope. Where the only use approved by the challenged decision is mineral and aggregate extraction on a 186-acre site, and no uses on the

remainder of intervenor's 490-acre parcel are subject to review under ORS 215.296, the county's findings correctly limit the evaluation of compliance with ORS 215.296 to the 186-acre area of mineral and aggregate extraction. *Mission Bottom Assoc. v. Marion County*, 32 Or LUBA 56 (1996).