

1.5.2 Administrative Law – Requirement for Findings – Statutes. When a county is evaluating an application for housing, including needed housing, ORS 197.307(4) (2017) prohibits the county from applying any standards, conditions and procedures that are not clear and objective to the application to develop a residential project, without regard to whether applicant’s property is “buildable land” within the meaning of ORS 197.295(1). *Warren v. Washington County*, 78 Or LUBA 374 (2018).

1.5.2 Administrative Law – Requirement for Findings – Statutes. Absent a local or specific statutory requirement that legislative land use decisions be supported by findings, such decisions need not be supported by findings as long as LUBA and the appellate courts with the aid of the parties and the record can perform their review function. *Friends of Umatilla County v. Umatilla County*, 58 Or LUBA 12 (2008).

1.5.2 Administrative Law – Requirement for Findings – Statutes. ORS 836.623(1) requires explanatory findings addressing evidence that public safety requires a higher level of protection than the minimum set forth under the Airport Transportation Planning rule, even if the local government rejects that evidence and concludes that existing standards are sufficient to protect public safety. *Graham Oil Co. v. City of North Bend*, 44 Or LUBA 18 (2003).

1.5.2 Administrative Law – Requirement for Findings – Statutes. 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).

1.5.2 Administrative Law – Requirement for Findings – Statutes. 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).

1.5.2 Administrative Law – Requirement for Findings – Statutes. ORS 197.625(3)(b) requires that approval of a land use subject to an unacknowledged land use standard include findings of compliance with applicable goals. Until the land use standard is acknowledged to comply with applicable goals, the local government cannot rely solely upon the regulatory scope of that standard to avoid addressing compliance with potentially applicable goals. *Tylka v. Clackamas County*, 37 Or LUBA 922 (2000).

1.5.2 Administrative Law – Requirement for Findings – Statutes. 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).

1.5.2 Administrative Law – Requirement for Findings – Statutes. In order to demonstrate compliance with ORS 215.296(1), county findings must: (1) describe the farm and forest practices on surrounding lands devoted to farm or forest use; (2) explain why the proposed use will not force a significant change in those practices; and (3) explain why the proposed use will not significantly increase the cost of those practices. *Brown v. Union County*, 32 Or LUBA 168 (1996).

1.5.2 Administrative Law – Requirement for Findings – Statutes. The requirements of ORS 215.296 apply directly to uses allowed in EFU zones under ORS 215.283(2). In order to establish a proposed use satisfies the requirements of ORS 215.296, the local government must adopt findings establishing the proposal complies with that statute. *Mission Bottom Assoc. v. Marion County*, 29 Or LUBA 281 (1995).

1.5.2 Administrative Law – Requirement for Findings – Statutes. Where the aerial spray applicator formerly used by an orchard will not spray orchards surrounded by a golf course and the only sprayer who will charges 2000 dollars more to do so, the county’s findings must explain why this cost increase, viewed cumulatively with any other cost increases attributable to the golf course, is not significant. *Von Lubken v. Hood River County*, 28 Or LUBA 362 (1994).

1.5.2 Administrative Law – Requirement for Findings – Statutes. In denying a request for permit approval, ORS 215.416(9) requires that a county provide an explanation of why the county believes the request fails to satisfy applicable standards. Where the required explanation is missing, LUBA will remand the decision. *Ball and Associates v. Josephine County*, 25 Or LUBA 525 (1993).

1.5.2 Administrative Law – Requirement for Findings – Statutes. While ORS 215.416(9) does not require that findings include citations to, or verbatim quotes of, applicable approval standards, it does require that a reasonable person be able to determine from the local government’s decision what it considered to be the relevant criteria and standards. *Murphy Citizens Advisory Comm. v. Josephine County*, 25 Or LUBA 312 (1993).