

## Findings

One of the most basic needs for the local planning commissioner, local government decision maker, planner, developer, land owner, environmentalist, and/or the average neighbor is to understand the land use rules. One of the most important rules a local government must follow is that it is required to include findings<sup>1</sup> in a decision to approve or deny an application.

Findings are written statements of fact, conclusions, and determinations based upon the evidence at hand, presented relative to the standards and criteria for such review and adopted by the local government's decision maker(s) in support of a land use decision.

### Findings Must:

- ✓ Identify the relevant approval standards (i.e., standards and criteria).
- ✓ Identify the facts which were believed and relied upon by the decision maker(s).
- ✓ Explain how those facts lead to the conclusion that the standards are, or are not, satisfied.
- ✓ Respond to specific issues relevant to compliance with applicable approval standards and criteria that were raised by citizens in the proceedings.
- ✓ State that the approval standards are met or that compliance is feasible and impose conditions that will ensure compliance.

1. ORS 215.416(8)-(9) - Counties; ORS 227.173(3) - Cities.  
2. The more general findings requirement, governing LUBA's scope of review, is found in ORS 197.835(1)(b) and OAR 661-010-0071(2)(a).

## LUBA Opinions

**Findings** *As required by ORS 215.416(8), written statements of fact, conclusions, and determinations based upon the evidence at hand, presented relative to the criteria and standards for such review and accepted by the review or hearing body in support of a final action (Article 11, Definitions, Josephine County Rural Land Development Code, page 1-17).*



### LUBA<sup>2</sup> Opinions On Findings

- *Knight v. City of Eugene*, 41, Or LUBA 279 (2002)
- *Hatfield v. City of Portland*, 37 Or LUBA 664 (2000)
- *Wood v. Crook County*, 36 Or LUBA 143 (1999)
- *Doob v. City of Grants Pass*, LUBA No. 98-006 (1998)
- *Tenly Properties Corp. v. Washington County*, 34 Or LUBA 352 (1998)
- *Port Dock Four, Inc. v. City of Newport*, 33 Or LUBA 613 (1997)
- *Harcourt v. Marion County*, LUBA No. 97-028 (1997)
- *Thomas v. Wasco County*, 30 Or LUBA 302 (1996)
- *Hilderbrand v. Marion County*, 28 Or LUBA 703, 706 (1995)
- *Forest Park Neigh. Assoc. v. City of Portland*, 27 Or LUBA 215 (1994)
- *Heiller v. Josephine County*, 23 Or LUBA 551 (1992)
- *Rhyne v. Multnomah County*, 23 Or LUBA 442 (1992)

## Critical To Get Your Testimony Into The Record

It's critical to get your testimony into the record. And, it is especially important of getting testimony into the record *in writing*. As a practical matter, it's simply too difficult to retrieve and rely on oral testimony. It is the local government's *responsibility* to identify the applicable standards and criteria. However, the local government often does not identify all relevant provisions of the local development code, or zoning ordinance or the comprehensive plan, much less relevant administrative rules or statutes. A person must identify and address other criteria that he or she thinks are applicable, and in fact must do so or risk waiving the right to raise those issues later.

**More Information** Would you like to learn more about citizen involvement in land use planning? Contact a member of the Land Use Committee of the *Hugo Neighborhood*.

This brochure is one of several in the "findings" series numbered 1 through 8.

1. Land Use Decisions: What Are Findings?
2. Standards and Criteria
3. Facts
4. Standards Are, Or Are Not, Satisfied
5. Must Address Relevant Issues Raised by Public
6. Conditions of Approval
7. LUBA Remand
8. LUBA Reversal

**Disclaimer.** This brochure is as much about providing information and provoking questions as it is about opinions concerning the adequacy of findings of fact and land use decisions. It does not provide recommendations to citizens and it is not legal advice. It does not take the place of a lawyer. If citizens use information contained in this paper, it is their personal responsibility to make sure that the facts and general information contained in it are applicable to their situation.



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## Hugo Neighborhood Association & Historical Society's Mission

This information brochure is one of a series of documents published by the Hugo Neighborhood Association & Historical Society (*Hugo Neighborhood*). It is designed to be shared with neighbors for the purpose of helping protect our rural quality of life by promoting an informed citizenry in decision-making. The *Hugo Neighborhood* is an informal nonprofit charitable and educational organization with a land use and history mission promoting the social welfare of its neighbors.

### Land Use & History

The *Hugo Neighborhood's* land use mission is to promote the social welfare of the citizens of the area by working to promote Oregon Statewide Goal 1 — Citizen Involvement, and by preserving, protecting, and enhancing the livability and economic viability of its farms, forests, and rural neighbors. It will act, as requested, as a technical resource assisting neighbors to represent themselves.

On January 2003 we began the concept of volunteer membership dues. They are \$10.00 annually and will be used for paper, ink, envelopes, publications and mailings. Make checks to the *Hugo Neighborhood* and send them to a member of the Land Use Committee. Send us your e-mail address if you want to know what we are doing.

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Brochure 1 in Findings Series  
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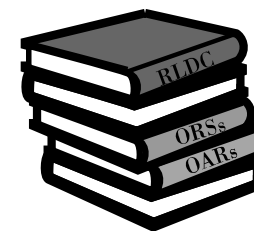
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## Land Use Decisions: What Are Findings?



Brochure 1 in Findings Series



*Know the Rules of Your Land Use Sandbox*

**December 20, 2003**

*Land Use Committee*  
**Hugo Neighborhood Association &  
Historical Society**

**Member of the CACNA Coalition**