
Must Address Relevant Issues Raised By Public

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.

This brochure is one of several in the “findings” series¹.



LUBA Opinions

- *Knight v. City of Eugene*, 41, Or LUBA 279 (2002)
- *Boly v. City of Portland*, 40 Or LUBA 537 (2001)
- *Dayton Prairie Water Assoc. v. Yamhill County*, 38 Or LUBA 14 (2000)
- *Wood v. Crook County*, 36 Or LUBA 143 (1999)

1. Hugo Neighborhood Association & Historical Society. 2003. *Land Use Decisions: What Are Findings?*. Brochure 1 in Findings Series. Grants Pass, OR.

LUBA Opinions

LUBA has held on many occasions that when the public raises legitimate issues in a quasi-judicial land use proceeding concerning a relevant approval criterion, a local government’s findings must address such issues. If it does not LUBA may remand back to the local government.

More LUBA Opinions

- *Doob v. City of Grants Pass*, LUBA No. 98-006 (1998)
- *Rouse v. Tillamook County*, 34 Or LUBA 530 (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)
- *Le Roux v. Malheur County*, 30 Or LUBA 268 (1995)
- *Moore v. Clackamas County*, 29 Or LUBA 372 (1995)
- *Suydam v. Deschutes County*, 29 Or LUBA 273, aff’s 136 Or App 548 (1995)
- *McKenzie v. Multnomah County*, 27 Or LUBA 523 (1994)
- *Eppich v. Clackamas County*, 26 Or LUBA 498, 507-08 n4 (1994)
- *Gage v. City of Portland*, 123 Or App 269, ___ P2d ___, adhered to 125 Or App 119 (1993)
- *Eskandarian v. City of Portland*, LUBA No. 93-012, October 15, 1993
- *Angel v. City of Portland*, 22 Or LUBA 649, 656-57, aff’d 113 Or App 169, 831 P2d 77 (1992)
- *Heiller v. Josephine County*, 23 Or LUBA 551 (1992)
- *Blosser v. Yamhill*, 18 Or LUNA 253, 264 (1989)
- *McCoy v. Linn County*, 16 Or LUBA 295 (1987), aff’d 90 Or App 271, 752 P2d 323 (1988)
- *Ash Creek Neighborhood Ass’n v. City of Portland*, 12 Or LUBA 230, 236-38 (1984)
- *Hillcrest Vineyard v. Bd. Of Comm. Douglas Co.*, 45 Or App 285 (1980)
- *City of Wood Village v. Portland Metro. Area LGBC*, 48 Or App 79 (1980)
- *Norvell v. Portland Area LGBC*, 43 Or App 849, 853, 604 P2d 896 (1979)
- *Petersen v. Klamath Falls*, 279 Or 249, 566 P2d 1193 (1977)

More Information

Boly v. City of Portland, 40 Or LUBA 537 (2001)

We have explained that “[w]here there is focused testimony raising legitimate concerns about compliance with a relevant approval criterion, the [local government’s] findings must address such concerns.” See *Neighbors for Livability v. City of Beaverton*, 37 Or LUBA 408, 429-30 (1999) (citing *Norvell v. Portland Area LGBC*, 43 Or App 849, 853, 604 P2d 896 (1979) and *White v. City of Oregon City*, 20 Or LUBA 470, 477 (1991).

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*.



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.

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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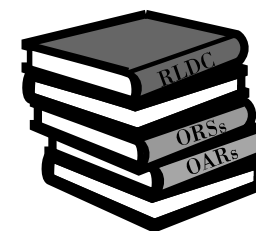
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Must Address Relevant Issues Raised By Public



Brochure 5 In
Findings Series



*Where There Is Focused Testimony Raising Legitimate
Concerns about Compliance with a Relevant Approval
Criterion,
the Local Government's Findings
must Address Such Concerns.*

December 20, 2003

Land Use Committee

**Hugo Neighborhood Association &
Historical Society**

Member of the CACNA Coalition