

## Role Of Josephine County Rural Planning Commission (RPC)<sup>1</sup>

Members of the Josephine County RPC are appointed by the Josephine County Board of County Commissioners (BCC). Members are appointed by the following rules.

- . The members of the Commission shall be residents of the various geographic areas of the county.
- . No more than two voting members shall be engaged principally in the buying, selling, or developing of real estate for profit either as individuals or for a company or corporation.
- . No more than two voting members shall be engaged in the same kind of occupation, business, trade or profession.



Public hearings conducted by the RPC shall follow the procedures for quasi-judicial land use hearings (RLDC 22), and as further governed by RLDC 3. Public hearings shall conform to RLDC 31. The RPC may grant a continuance or hold the record open as provided in RLDC 31.120.J. A final decision of the RPC shall be in the form of findings of fact meeting the requirements of state law and RLDC 31.130.C.

1. Josephine County. 2005. *Josephine County Rural Land Development Code*. Article 24. Grants Pass, OR.  
ORS 215.416(8)-(9) - Counties; ORS 227.173(3) - Cities.  
3. The findings requirement governing LUBA's scope of review, is found in ORS 197.835(11)(b) and OAR 661-010-0071(2)(a).  
4. Josephine County. 2005. *Josephine County Rural Land Development Code*. Article 11, Definitions. Grants Pass, OR.

## Local Land Use Rules & Adequate 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 local land use rules. One of the most important rules a local government must follow is that it is required to include findings<sup>2&3</sup> in a decision to approve or deny an application. This responsibility is vital for the RPC.

**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.*<sup>4</sup>

### 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.

While the RPC performs its overall mission in a satisfactory manner, it falls short in following the quasi-judicial procedures applicable to the matter before it, that depending on the circumstances, could prejudice the substantial rights of citizens (i.e., petitioners). ORS 197.835(9)(a)(B)

## Areas For Improvement By RPC

Areas the RPC can improve in performing its mission:

- . Accepts Incomplete Applications (RLDC 22) - Staff reports are incomplete as new information submitted the day of the public hearing; unreasonable number of conditions of approval added after application is complete (ORS 197.763 (4)(b)).
- . Permits public notice of RPC hearings which are limited to owners of record of property (ORS 197.763(2)) versus notice to all parties including those adversely affected or aggrieved.
- . Permits public notice of RPC hearings that fail the standards of ORS 197.763(3): fails to explain the nature of the application and the proposed use or uses which could be authorized.
- . Accepts Conclusory Findings - Makes decisions not supported by substantial evidence in the whole record (ORS 197.835(9)(C)).
- . Permits Conditions of Approval In Findings Without Feasibility Compliance Determinations (ORS 197.835(9)(C); *Myer v. City of Portland*, 67 Or App 274, 678 P2d 741, *rev den* 297 Or 82 (1984); *Just v. Linn County*, 32 Or LUBA 325 (1997)).
- . Does Not Effectively Watch Clock For 150-Day Rule (ORS 215.427).

**More Information.** Would you like to learn more? 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 of promoting the social welfare of its neighbors.

## Land Use & History

The *Hugo Neighborhood's* land use mission is to promote Oregon Statewide Goal 1 — Citizen Involvement, and to preserve, protect, and enhance the livability and economic viability of its farms, forests, and rural neighbors. It will act, if requested, as a technical resource assisting neighbors to represent themselves.

Its history mission is to educate, collect, preserve, interpret, and research its local history and to encourage public interest in the history of the Hugo area.

Volunteer membership dues are \$10.00 annually per family and normally used for paper, ink, envelopes, publications and mailings. Make checks to the *Hugo Neighborhood* and send them to our Treasurer. Send us your e-mail address if you want to know what we are doing.

*Hugo Neighborhood Association*

Web Page: <http://jeffnet.org/~hugo/>

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## Josephine County Rural Planning Commission

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**Land Use Committee  
Hugo Neighborhood Association**

**Members of the CAC/NA Coalition**