

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: In the Matter of Electing Whether or Not to Hear an Appeal of a
14-07-08-08 Hearings Official's Decision approving a request for a Non-Farm
dwelling in the Exclusive Farm Use Zone pursuant to Lane Code
16.212(7)(f) & (10). Map T16-R01-S18, Tax Lot 601 (File No.
509-PA13-05640, Owner: Travis Bamford, Agent: Thom Lanfear,
Appellant: LandWatch Lane County).

WHEREAS, the Lane County Hearings Official has made a decision approving a request for a Non-Farm dwelling in the Exclusive Farm Use Zone pursuant to Lane Code 16.212(7)(f) & (10), Map T16-R01-S18, Tax Lot 601, File No. 509-PA13-05640; and

WHEREAS, the Lane County Planning Director has received an appeal of the Hearings Official's Decision to the Board of County Commissioners pursuant to LC 14.515(3)(f)(ii); and

WHEREAS, the Lane County Hearings Official has affirmed his decision on the application after reviewing the appeal in File No. 509-PA13-05640; and

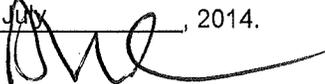
WHEREAS, Lane Code 14.600 provides the procedure and criteria that the Board follows in deciding whether or not to conduct an on the record hearing for an appeal of a decision by the Hearings Official; and

WHEREAS, the Board of County Commissioners has reviewed this matter at a public meeting of the Board.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. That the appeal does not comply with the criteria of Lane Code 14.600(3) and arguments on the appeal should therefore not be considered. Findings in support of this decision are attached as Exhibit "A."
2. That the Lane County Hearings Official decision dated May 16, 2014, and letter affirming the decision dated June 6, 2014, attached as Exhibit "B," is affirmed and adopted by the Board of County Commissioners as the County's final decision. The Board of County Commissioners has reviewed the appeal and the Hearings Official decision and expressly agrees with and adopts the interpretations made by the Hearings Official in the decision.

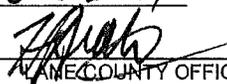
ADOPTED this 8th day of July, 2014.



Par Farr, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 6-26-14



LANE COUNTY OFFICE OF LEGAL COUNSEL

ORDER EXHIBIT "A"

FINDINGS IN SUPPORT OF THE ORDER

1. The subject property can be identified as Map T16-R01-S18, Tax Lot 601 and is located north of the rural community of Marcola, on the west side of Marcola Road. It is vacant and is zoned Exclusive Farm Use (E-40) Zone. The subject property is bordered on the north, south, east and west by land also zoned E-40. Its southeast corner is near land zoned RR-5. The surrounding area is moderately developed with some farm and forest uses occurring in the vicinity. The subject property is vacant of a dwelling.
2. Lane County adopted Marginal Lands provisions under Oregon Revised Statutes (ORS) 197.247 prior to January 1, 1993. The subject property is not being used for farm use and therefore does not qualify for a farm dwelling under ORS 215.213(2)(a) or (b).
3. On March 19, 2014 the Planning Director approved the request and the decision was appealed in a timely manner on March 31, 2014.
4. On May 1, 2014, the Hearings Official held an evidentiary hearing. The record was held open until May 8, 2014, for new information, until May 15, 2014, for responses to new information and for applicant's final rebuttal.
5. The Hearings Official issued his decision approving the application on May 16, 2014.
6. On June 4, 2014, an appeal of the Hearing's Official decision was received in a timely manner with the appropriate fee by the appellant LandWatch Lane County.
7. On June 6, 2014 the Hearings Official affirmed his decision.
8. In order for the Board to hear arguments on either appeal, Lane Code 14.600(3) requires one or more of the following criteria to be found by the Board to apply to the appeals:
 - *The issue is of Countywide significance.*
 - *The issue will reoccur with frequency and there is a need for policy guidance.*
 - *The issue involves a unique environmental resource.*
 - *The Planning Director or Hearings Official recommends review.*
9. The issue is not of Countywide significance. The issue in this appeal revolves around whether the Planning Director applied the correct approval standards related to the OARs and ORSs.
10. The Hearings Official decision addresses the issues in this appeal in a reasonable and clear way that is consistent with the plain language of Lane Code and the policies and plan designations of the Metro Plan. These issues are not anticipated to occur with frequency and there is not a need for policy guidance beyond the Hearings Official's decision.
11. The Planning Director does not recommend review of the appeals for the reasons cited above.
12. To meet the requirements of Lane Code 14.600(2)(b), the Board is required to adopt a written decision and order electing to have a hearing on the record for the appeals or declining to further review the appeals.

13. The Board has reviewed this matter at its meeting of July 8, 2014, finds that the appeal does not comply with the criteria of Lane Code Chapter 14.600(3), declines further review, and elects not to hold an on the record hearing for the appeals.
14. The Board affirms and adopts the Hearings Official decision dated May 16, 2014, as the County's final decision in this matter, has reviewed that decision, and expressly agrees with and adopt the interpretations made by the Hearings Official in the decision.