

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO:
18-06-12-06

IN THE MATTER OF ELECTING WHETHER OR NOT TO HEAR AN APPEAL OF A HEARINGS OFFICIAL DECISION TO MODIFY AND PARTIALLY REVERSE A PLANNING DIRECTOR'S LEGAL LOT VERIFICATION DECISION FOR ASSESSOR'S MAP AND TAX LOTS 16-02-35-00-00610/1900 AND 16-02-25-00-00302 IN COMBINATION AND 16-02-35-00-01102 (FILE NO. 509-PA17-05996; PODHORSKY)

WHEREAS, the Lane County Hearings Official has made a decision to modify and partially reverse a Planning Director's approval of a legal lot verification application for Assessor's Map and Tax Lots 16-02-35-00-00610/1900 and 16-02-25-0-00302 in Combination and 16-02-35-00-01102, identified as File No. 509-PA17-05996;

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), requesting that the Board elect not to further hear the appeal and to deem the Hearings Official decision the final decision of the County; and

WHEREAS, on May 1, 2018, the Lane County Hearings Official affirmed his April 13, 2018 decision on the application after reviewing the appeal; 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

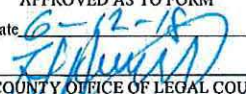
WHEREAS, the Board of County Commissioners has reviewed this matter at a public meeting of the Board.

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 therefore, the Board declines to further review the appeal and consider arguments therein. Findings of fact in support of this determination are attached as Exhibit "A."
2. That the Lane County Hearings Official decision dated April 13, 2018, and the letter affirming the decision dated May 1, 2018 attached as Exhibit "B," which modified and partially reversed the Planning Director's decision on the basis that the proposed legal lot configuration does not comply with ORS 92.192(4)(a), are adopted, ratified, and affirmed by the Board of County Commissioners as the County's final decision. Furthermore, the Board of County Commissioners has reviewed the appeal and remains silent on interpretations of ORS Chapter 92 made by the Hearings Official.

ADOPTED this 12th day of June, 2018


Jay Bozlevich, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date 6-12-18

LANE COUNTY OFFICE OF LEGAL COUNSEL