

Findings In Support of Order No. 96- 1-17-2

1. Property involved in this action is identified as tax lot 1300, map 16-55-13.3, located at 56483 McKenzie Highway in the Plan-designated Community of McKenzie Bridge, zoned C-2/RCP (Neighborhood Commercial), within the jurisdiction of the Lane County Rural Comprehensive Plan and Lane Code Chapter 16, and presently developed with a restaurant/gift shop, homesite and eight rental cabin units.
2. In the form of application PA 1390-95, the property owner in April 1995 requested Lane County Hearings Official approval of a 15-unit campground, pursuant to Lane Code 16.231(5) rezoning criteria.
3. Hearings before the Lane County Hearings Official were held on August 3 and September 13, 1995. The record was held open until October 4.
4. On November 28, 1995, the Hearings Official issued a decision approving with conditions the application; this action included limiting the number of approved camp sites to six instead of the 15 originally requested.
5. A timely appeal of the Hearings Official decision was filed by a party on December 8, 1995. On December 12, the Hearings Official affirmed his decision.
6. The appeal alleges that the Approval Authority rendered a decision which failed to follow procedure, misinterpreted applicable local and state law, and violates statewide planning goals.
7. The Board of Commissioners finds that the issue involves land use on a commercial property within a Plan-designated Community (McKenzie Bridge). Existing C-2 zoning of the property permits a wide variety of commercial uses. Arguments dealt with through the Hearings Official approval process are site-specific, and particular to the proposal. The Board of Commissioners finds that there appears to be little in this issue which could extend beyond the perimeters of the immediate area and take on a Countywide significance.
8. The Board of Commissioners finds that the while issues associated with this appeal may reoccur within the County on occasion during consideration of campground proposals on a developed area alongside a river, there is no certainty they will occur with frequency. The appeal requests policy guidance by the Board to reply to broadly stated arguments, but no specific Rural Comprehensive Plan policies or Lane Code approval criteria relied on by the Hearings Official for his decision are named in the appeal documentation as needing refinement or interpretation by the Board. The Board of Commissioners finds that a need for policy guidance has not been established.

9. The Board of Commissioners finds that tax lot 1300 fronts the McKenzie River, portions of which carry designated federal wild and scenic status and state scenic waterway status. This status does not exist in or nearby McKenzie Bridge. Within McKenzie Bridge, and other Communities and developed areas along the river, development of many types is permitted provided Lane Code regulations including riparian setback and management standards are satisfied. Present commercial development on the subject property, which includes considerable public access to site and the river, now brings hundreds of persons onto the property during peak times. The Hearings Official's decision on the proposed campground (to be occupied by a maximum of 30 persons) includes conditions of approval intended to enhance the impact of these regulations by requiring riparian and shoreline protective measures be implemented by the applicant to protect the river. The appeal does not present evidence why the limitations on the campground imposed by these conditions will fail to protect the site and riparian area. The appeal also does not provide evidence as to how the proposed campground will measurably impact the river and thus "involve" it in a meaningful way. The Board of Commissioners finds that the proposed campground does not involve a unique environmental resource.
10. Neither the Planning Director nor the Hearings Official recommend review.
11. The Board finds that the appeal does not satisfy the requirements of Lane Code 14.600(3) and thus the Board elects not to hear the appeal.