

**BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON**

**ORDER NO:19-02-26-05** In the Matter of Hearing on the Record an Appeal of a Hearings Official Decision Affirming the Planning Director's Decision to Approve a Replacement Dwelling in the Exclusive Farm Use Zone (E-40) on Tax Lot 1400, Assessor's Map 20-05-13 (File No. 509-PA17-05908; Doughty)

**WHEREAS**, the Lane County Hearings Official has made a decision to affirm a Planning Director's approval of a replacement dwelling on Tax Lot 1400, Assessor's Map 20-05-13; 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 14.080(4)(d)(ii) and (vi), 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 November 26, 2018, the Lane County Hearings Official affirmed his November 8, 2018 decision on the application after reviewing the appeal; and

**WHEREAS**, Lane Code 14.080(4)(d) 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**, on January 29, 2019, the Board of County Commissioners reviewed this matter at a public meeting of the Board and elected to conduct an on the record hearing to consider whether an incorrect approval criteria was applied by the Hearings Official in his decision and limited to evidence in the record; and

**WHEREAS**, notice of an on the record hearing pursuant to Lane Code 14.080(4)(d)(vii)(ee) was mailed in a timely manner on February 15, 2019; and

**WHEREAS**, the Board of County Commissioners heard arguments and reviewed the Hearings Official's decision based on materials contained in the record pursuant to Lane Code 14.080(4)(d)(vii) at their regular meeting held February 26, 2019.

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

1. That the Findings in Support of the Order attached as Exhibit "A" are adopted and incorporated into this Order.
2. The Hearings Official's decision dated November 7, 2018, affirmed by the Hearings Official's February 26, 2018 letter, both attached and incorporated as Exhibit "B" to this Order, that found relevant approval criteria are met is affirmed and adopted by the Board as the County's final decision, subject to and modified by the Findings in

Exhibit "A". The Board has reviewed the appeal and the Hearings Official decision and expressly agrees with and adopts the interpretations made by the Hearings Official, except as modified by the Findings set forth in Exhibit "A".

ADOPTED this 12th day of March 2019

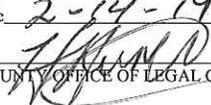


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Pete Sorenson, Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 2-14-19



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LANE COUNTY OFFICE OF LEGAL COUNSEL