

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 19-03-12-06 In the Matter of Adopting the Hearings Official Decision Modifying and Affirming on LUBA Remand the County's Decision to Approve an Accessory Structure in the Impacted Forest Lands Zone (F-2) on Tax Lot 200, Assessor's Map 18-01-30 (File No. 509-PA17-05644).

WHEREAS, the Lane County Hearings Official made a decision to affirm a Planning Director's approval with modification of conditions of approval No. 1 and 9 of an Accessory Structure in the Impacted Forest Lands Zone (F-2) on Tax Lot 200, Assessor's Map 18-01-30;

WHEREAS, that decision was subsequently appealed to the Board and on April 17, 2018, the Board of County Commissioners passed Order 18-04-17-04 and elected not to hear the appeal of the Hearings Official decision approving the accessory structure and deeming the Hearings Official decision as the final County decision; and

WHEREAS, LandWatch Lane County appealed the Hearings Official decision to the Land Use Board of Appeals. The Land Use Board of Appeals issued a Final Order and Opinion No. 2018-046 on October 4, 2018, in which the fourth assignment of error was sustained and the County's decision was remanded; and

WHEREAS, on November 13, 2018, the applicant submitted a request for County action on the Land Use Board of Appeals Final Order, and on December 13, 2018, the Lane County Hearings Official conducted a public hearing on the remand matter; and

WHEREAS, on January 8, 2019, the Hearings Official affirmed and modified the County's decision approving the request for an accessory structure on Tax lot 200, Assessor's Map 18-01-30, subject to the applicant's modified development area provided in the applicant's December 12, 2018 submission to the record; 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 Lane County Hearings Official decision dated January 8, 2019, attached as Exhibit "A", which affirmed on remand with modifications the County's decision is adopted, ratified, and affirmed by the Board of County Commissioners as the County's final decision. Furthermore, to the extent that the Hearings Official interpreted Lane Code 16.090 and Lane Code 16.211(2)(o)(iii) and (8), that the Board expressly agrees with and adopts those interpretations.

ADOPTED this 12th day of March, 2019



Peter Sorenson, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 3-1-19



LANE COUNTY OFFICE OF LEGAL COUNSEL