

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 15-04-21-12
In the Matter of Electing Whether or Not to Hear an Appeal of a Hearings Official's Decision denying a Request for Home Occupation Special Use Permit for an Events Venue for weddings, retirements, anniversaries, graduations, banquets, family reunions, meetings, dinners and gatherings within the Impacted Forest Lands (F-2) Zone pursuant to Lane Code criteria Ch. 16.211(3)(n). Map T18-R05-S06-40 Tax Lot 101 (File No. 509-PA14-05360/Owner/Applicant Andrew Head).

WHEREAS, the Lane County Hearings Official has made a decision denying a request for a Home Occupation in the Impacted Forest Lands Zone pursuant to Lane Code 16.211(3)(n), Map T18-R05-S06-40, Tax Lot 101, File No. 509-PA14-05360; and

WHEREAS, the Lane County Planning Director has received two separate appeals of the Hearings Officials Decision to the Board of County Commissioners pursuant to LC 14.515(3)(f)(ii) and 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-PA14-05360; and

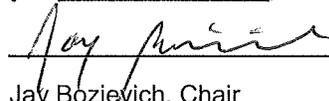
WHEREAS, Lane Code 14.600 provides the procedure and criteria that the Board follows in deciding whether or not to conduct an on the record hearing for an appeal of a decision by the Hearings Official; and

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 complies with the criteria of Lane Code 14.600(3) and the arguments set forth in the memo on the appeal should be considered in an on the record hearing. Findings in support of this decision are attached as Exhibit "A."
2. The tentative date for the on the record hearing is May 5, 2015, and the parties that qualify to participate in the hearing on the record for the appeal are the applicant/appellant and the applicant's representative, the Director, the other appellants and the appellant's representative, and other parties of record.

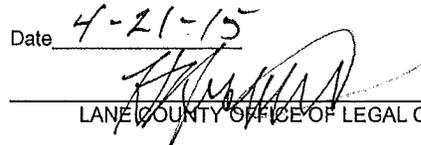
ADOPTED this 21st day of April, 2015.



Jay Bozievich, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 4-21-15



LANE COUNTY OFFICE OF LEGAL COUNSEL

ORDER EXHIBIT "A"

FINDINGS IN SUPPORT OF THE ORDER

1. The subject property is identified as tax lot 101 assessor's map 18-05-06-40. The approximate 40 acre subject property is located east of the city of Veneta and north of Fleck Rd at address 25519 Fleck Rd. The property is developed with one dwelling, septic system, well, two agricultural buildings (one of which is named Pavilion), gazebo, a 30'x30' structure not listed on the site plan, and a 25'x25' structure called the pond house. All of the subject property is designated Forest in the Rural Comprehensive Plan and zoned Impacted Forest Lands (F-2) Zone.
2. The request is a Special Use Permit Home Occupation was submitted to the Planning Department on June 13, 2014. The Home Occupation is a request as an events venue for weddings, retirements, anniversaries, graduations, banquets, family reunions, meetings, dinners and gatherings. The applicant proposes two categories for events: Main Events and Floating Events.
3. On October 31, 2014, the Planning Director issued a denial of the request and the decision was appealed by the applicant in a timely manner on November 17, 2014.
4. On January 8, 2015, the Hearings Official held an evidentiary hearing. The record was held open for new information until January 22, 2015, record closed for responses to new information on January 29, 2015, and then the record closed for final applicant rebuttal on February 5, 2015.
5. The Hearings Official issued his decision on March 2, 2015, affirming the Planning Director's Decision denying the application.
6. Two appeals of the Hearing's Official decision were submitted and are listed as follows:
 - a. On March 16, 2015, Kim O'Dea, representing the applicant, Andrew Head, filed an appeal pursuant to Lane Code 14.515(3)(f)(i), requesting that the Hearing's Official reconsider or the Board of Commissioners Review the appeal in a Hearing on the record.
 - b. On March 16, 2015, Sean Malone, representing LandWatch Lane County et al., filed an appeal pursuant to Lane Code 14.515(3)(f)(ii), requesting that the Board not conduct a hearing on the appeal and deem the Hearing's Official the final decision of the County.
7. 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.*
8. The issue is of Countywide significance and will reoccur with frequency. The issue in this appeal revolves around whether the Hearings Official erred on "unreasonably interfere" standards, and whether or not agricultural buildings can be converted to another use.
9. 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 Rural Comprehensive. These issues are of countywide significance and are anticipated to occur with frequency and there is a need for policy guidance beyond the Hearings Official's decision.
10. The Planning Director recommends review of the appeals for the reasons cited above.
11. 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.
12. The Board has reviewed this matter at its meeting of April 21, 2015, finds that the appeal does comply with the criteria of Lane Code Chapter 14.600(3), and has elected to hear the appeal, and hold an on the record hearing.