

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 18-06-12-10 IN THE MATTER OF VOLUNTARILY REMANDING A COUNTY DECISION BACK TO THE LANE COUNTY HEARINGS OFFICIAL FOR FURTHER PROCEEDINGS. THE APPEALED DECISION ON REMAND FROM THE LAND USE BOARD OF APPEALS CONCERNS A COUNTY DECISION THAT AFFIRMED THE LANE COUNTY HEARINGS OFFICIAL'S DENIAL FOR A PRELIMINARY PARTITION UNDER BOARD ORDER 18-02-27-06; ASSESSOR'S MAP 18-01-00-00-01500 (FILE NO. 509-PA17-05297/MCDOUGAL).

WHEREAS, on February 27, 2018, the Lane County Board of Commissioners adopted Order 18-02-27-06 electing to not hear the appeal and affirming the Lane County Hearings Official decision as the County final decision in Department File No. 509-PA17-05297; and

WHEREAS, that action was appealed to the Oregon Land Use Board of Appeals (LUBA) and on April 10, 2018, LUBA issued a notice of withdrawal of the challenged decision for reconsideration. This allows a voluntary remand to Lane County as described in the findings Exhibit "A" and incorporated herein; and

WHEREAS, the County received formal request for voluntary remand to the Lane County Hearing's Official from the applicant on April 30, 2018; and

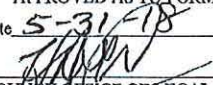
WHEREAS, the Board of County Commissioners has reviewed this matter on consent calendar on June 12, 2018.

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

1. The Board remands the appeal to the Lane County Hearings Official for further proceedings and elects to not conduct a hearing.

ADOPTED this 12th day of June, 2018.

  
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Jay Bozievich, Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM  
Date 5-31-18  
  
\_\_\_\_\_  
LANE COUNTY OFFICE OF LEGAL COUNSEL

## ORDER EXHIBIT "A"

### FINDINGS IN SUPPORT OF THE ORDER

1. The property subject to this application, hereinafter referred to as the "subject property," is located on tax lot 1500, assessor's map 18-01-00. The subject property has a site address of 37820 Wallace Creek Road and is about 48 acres in size. It is located south of Wallace Creek Road and approximately 1.5 miles (as the crow flies) southwest of the Urban Growth Boundary of Springfield. The applicant proposes to divide the subject property into two parcels, each to contain an existing dwelling. Proposed Parcel 1 is 43.0 acres in size and Parcel 2 is proposed to be 5.0 acres in size.
2. The subject property is designated "Forest" on the Lane County Rural Comprehensive Plan. It is zoned Non-impacted Forest Lands (F-1) zone, consistent with the Plan designation. Surrounding properties to the west, are zoned F-1, Exclusive Farm Use (E-30) zone and Rural Residential (RR-5) zone, to the north properties are zoned Impacted Forest Lands (F-2) zone, and to the east properties are zoned F-1. The abutting property to the south is zoned Non-Impacted Forest (F-1) zone.
3. The property has site addresses of 37280 Wallace Creek Rd, Springfield Oregon. Generally, the property is located south of Wallace Creek Road.
4. On March 29, 2017, the applicant submitted an application for a preliminary partition in the Non-Impacted Forest Lands Zone (F-1). On April 21, 2017 the agent submitted an amended application narrative under F-1 area criteria subsection (9)(e), division of two existing dwellings. On April 21, 2017, staff deemed the application complete. On April 27, 2017, staff solicited referral responses from affected agencies, service providers and surrounding property owners. Staff received two separate hold requests totaling 60 days from the applicant. On October 3, 2017, the Planning Director approved the application, authorizing the preliminary partition on the subject property, and notice of pending land use decision was mailed in accordance with Lane Code 14.100(4) and LC 14.070(1). On October 16, 2017, the appellant (LandWatch) submitted a timely appeal. Notice of the public hearing on the appeal was mailed on October 17, 2017.
5. On November 16, 2017, the Lane County Hearings Official conducted a public hearing. The written record was held open until November 22, 2017, with opportunity for the appellant (LandWatch) to respond by November 30, 2017, and applicant's final written argument by December 7, 2017. On December 27, the Lane County Hearings Official issued a decision reversing the Planning Director conditional approval and denied the proposal. Notice of the Hearings Official's decision was mailed to the applicant and all parties of record on December 29, 2017.
6. On January 8, 2018, the appellant (the applicant/owner Norm McDougal) filed a timely appeal to the Board pursuant to LC 14.515(3)(f)(ii).
7. On January 12, 2018, the Hearings Official reviewed the appeal and affirmed his decision without further consideration pursuant to LC 14.535(1).
8. On February 27, 2018, the Lane County Board of Commissioners adopted Order 18-02-27-06 and elected not to hear the appeal affirming the Lane County Hearing Official's decision as the County's final decision.
9. On March 19, 2018, the applicant appealed the County's decision to the Land Use Board of Appeals (LUBA).
10. On April 10, 2018, LUBA issued a notice of withdrawal of the challenged decision for reconsideration at the local level.

11. On April 30, 2018, Land Management received a voluntary remand request from the applicant requesting the Board remand the appeal back to the Lane County Hearings Official.
12. The Board remands the appeal to the Lane County Hearings Official for further proceedings and elects to not conduct a hearing for the appeal.