

FILED

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COUNTY CLERK  
FOR LANE COUNTY, OR.  
BY *Deirdre DeBour*

IN THE BOARD OF COMMISSIONER OF LANE COUNTY, OREGON

ORDER NO.	)	In The Matter of a
91-1-16-16	)	Determination of Whether or
	)	Not to Consider the Appeal
	)	of the Hearings Official's
	)	December 28, 1990 approval
	)	of PA 1596-90 (Kittleson)
	)	verifying a legal non-
	)	forming use. (Appellants:
	)	MaryAnne Smith et al)

WHEREAS, the Lane County Hearings Official has made a decision on application PA 1596-90; and

WHEREAS, the Lane County Hearings Official did, on appeal, issue a reconsidered decision in this matter; and

WHEREAS, the Lane County Planning Director has accepted an appeal of the Hearings Official Decision pursuant to LC 14.515; and

WHEREAS, Lane Code 14.600 provides that the Board may elect to not hear the appeal provided the appeal does not comply with LC 14.600(3); and

WHEREAS, the Board of County Commissioners has reviewed this matter at a public meeting on 1-16-91; NOW

THEREFORE, BE IT ORDERED the Board of County Commissioners finds that the appeal does not comply with the criteria of LC 14.600(3) and should therefore not be considered. Findings in support of this decision are attached as Exhibit "A".

DATED this 16 day of January, 1991.

*Jan Raut*  
\_\_\_\_\_  
Chairperson, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 1-14-91 Lane county  
*Stephen J. Vacher*  
\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

## EXHIBIT "A"

**Findings Pursuant to Decision Criteria (L.C. 14.660(3))****1. "The issue is of Countywide significance."**

The issues raised are not of Countywide significance. A non-conforming use verification process is essentially one of fact finding. Each case is unique to the property and use under consideration.

**2. "The issue will reoccur with frequency, and there is a need for policy guidance."**

The issue will not reoccur with frequency. Fewer than 10 non-conforming use verification requests were received last year out of a total of 1134 requests for planning actions of all types. as noted above, the process is one of fact-finding rather than either the formation or application of policy.

**3. "The issue involves a unique environmental resource."**

The subject parcel is not within a farm or forest resource zone. The Lane County Rural comprehensive Plan identifies certain unique resources such as Class I streams, sand and gravel sites, big game ranges, sensitive fish and waterfowl areas, sensitive bird habitat, and certain coastal resources. None of these have been identified by staff, the Hearings Official or any party as being present on, or impacted by this matter.

**4. "The Planning Director or Hearings Official recommend review."**

This matter has been the subject of fact finding efforts by staff and by the Hearings Official in de novo hearing. The Hearings Official essentially affirmed the decision of the Director with some modifications. The staff has no reason to question the Hearings Official's decision. In view of these facts plus the significant expenditure of time and other resources on this matter, the Director and the Hearings Official recommend that the Board not review the Hearings Official's decision.