

**FILED**

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

SEP 26 1995

**COUNTY CLERK**

BY Lem Dewalle

ORDER NO. 95-9-20-5

) IN THE MATTER OF A DETERMINATION OF  
 ) WHETHER OR NOT TO CONDUCT AN ON THE  
 ) RECORD HEARING, AS PROVIDED IN LANE CODE  
 ) 14.600, FOR THE APPEAL OF THE HEARINGS  
 ) OFFICIAL DECISION (PA 4133-94) REGARDING  
 ) A PROPOSED DEVELOPMENT OF A 42 UNIT  
 ) MOBILE HOME PARK ON A 16.7 ACRE PARCEL  
 ) ZONED SUBURBAN RESIDENTIAL (RA) IN THE  
 ) COMMUNITY OF CHESHIRE ON PROPERTY  
 ) DESCRIBED AS TAX LOT 900 (PORTION),  
 ) ASSESSOR'S MAP 16-05-10.3.4; TAX LOT  
 ) 1201, ASSESSOR'S MAP 16-05-10; AND TAX  
 ) LOT 220, ASSESSOR'S MAP 16-05-14.  
 ) (APPELLANTS: John McArthur and Dana  
 ) and Denise Garner.)

WHEREAS, on August 4, 1995, the Lane County Hearings Official made a decision on application PA 4133-94; and

WHEREAS, on August 14, 1995, the Lane County Planning Director accepted an appeal of the Hearings Official's Decision to the Board of County Commissioners pursuant to LC 14.515; and

WHEREAS, on August 15, 1995, the Lane County Hearings Official Reconsidered the Decision resulting in a reconsidered opinion and supplemental findings; and

WHEREAS, on August 22, 1995, the Lane County Planning Director accepted an appeal of the Hearings Official's Decision to the Board of County Commissioners pursuant to LC 14.515; and

WHEREAS, on August 28, 1995, the Lane County Hearings Official affirmed his decision on application PA 4133-94; and

WHEREAS, Lane Code 14.600 provides the procedure and criteria for which the Board shall follow 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 on September 20, 1995; NOW

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

DATED this 20th day of September, 1995.

*Dale Jundi*  
 Chairperson, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 9-11-95 Lane County  
*Stephen J. Under*  
 OFFICE OF LEGAL COUNSEL

Findings In Support of Order No. 95-9-20-5.

1. The site subject to this request is a 16.7 acre tract located near the intersection of Applegate Trail and Highway 36 in the Plan-designated Community of Cheshire.
2. The property is described as tax lot 900 (portion), Assessor's map 16-05-10.3.4; tax lot 1201, Assessor's map 16-05-10; and tax lot 220, Assessor's map 16-05-14.
3. The property is zoned Suburban Residential (RA/RCP) and is currently vacant except for a mobile home.
4. A portion of the site was rezoned to RA in May 1995 via PA 4085-94.
5. The Hearings Official conducted a public hearing on the request to allow a 42 unit mobile home park on July 20, 1995.
6. The Hearings Official's decision allows the mobile home park subject to conditions addressing concerns raised at the hearing including drainage, domestic water, access, fire and floodplain.
7. A timely appeal of the Hearings Official Decision was filed by John McArthur and Dana and Denise Gardner on August 14, 1995, on the issue of the authority of and misinterpretation by the Hearings Official.
8. The Hearings Official reconsidered the decision resulting in a reconsidered opinion and supplemental findings on August 15, 1995.
9. John McArthur and Dana and Denise Gardner filed a second appeal of the reconsidered decision on August 22, 1995.
10. The Hearings Official reviewed the reconsidered decision and the appeal and determined that he did not concur with the appellant's allegations that the Hearings Official exceeded his jurisdiction, rendered a decision that misinterpreted the Lane Code or Manual, state law (statutory or case law) or other applicable criteria and reaffirmed his decision on August 28, 1995.
11. Lane Code 14.600(2)(b) requires the Board to adopt a written decision and order electing to have a hearing on the record for the appeal or declining to further review the appeal.
12. The relevant land use issues are site specific (drainage, sewage, traffic and water) and are limited to authorizing a 42 space mobile home park which is not of Countywide significance.
13. The issue involves site specific development concerns with

conditions of approval required for the development.

14. The site specific nature of the issues do not occur frequently nor are they expected to in the future.
15. The definitions, code requirements, and conditional use permit are clear and there is no need for policy guidance.
16. The appeal involves the issue of the development of a mobile home park which is not considered a unique environmental resource.
17. Neither the Planning Director nor the Hearings Official recommend review of this appeal.
16. Lane Code 14.600(2)(b) requires the Board to adopt a written decision and order electing to have a hearing on the record for the appeal or declining to further review the appeal.