



**NOTICE OF PENDING LAND USE DECISION
BY THE LANE COUNTY PLANNING DIRECTOR**

Date: 8/2/14
Department File: 509-PA16-05280
Owner/ Applicant: Paul & Marvel Magney
Agent: Metro Planning, Inc. c/o Robert Stevens
Assessor's Map & Tax Lot: 17-01-31 Tax Lot 500
Address: None
Acreage: 43± acres
Zone: Impacted Forest Lands Zone (F-2)
Comprehensive Plan: Lane County Rural Comprehensive Plan (/RCP)
Staff: Deanna Wright, Associate Planner (541) 682-4082

You own or occupy property near the above referenced property that is the subject of a land use application and pending decision for conditional **Approval** of this application by the Lane County Planning Director.

Notice to mortgagee, lien holder, vendor or seller: ORS Chapter 215 requires that if you receive this notice, it must be forwarded to the purchaser.

The purpose of this notice is to inform you about the proposal and pending decision, where you may receive more information, and the requirements if you wish to appeal the pending decision by the Director to the Lane County Hearings Official. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

PROPOSAL: A request for Planning Director approval of a dwelling in the Impacted Forest Lands (F 2) zone pursuant to the "Template Dwelling" provisions of Lane Code 16.211(5) and (8).

Enclosed is a plot plan proposed location of the dwelling, the driveway access, and the fire breaks.

The proposed use that could be authorized by approval of the land use application is a dwelling.

FINDINGS OF FACT AND COMPLIANCE WITH APPLICABLE REQUIREMENTS.

The information and findings submitted by the applicant in support of this application to address the applicable requirements were reviewed and found to be thorough and accurate. Therefore, with the additional information identified below **the Director adopts the applicant's information and findings in support of the decision to approve this application and hereby incorporates the application by reference as part of the record.** In summary, this application complies with the three basic requirements for approval of a template dwelling:

Finding #1. The subject property must be a lawfully created parcel or lot. The information provided by the applicant and in the LMD file includes a copy of a legal lot verification for the subject property (Land Management Division file 509-PA15-05829 Legal Lot Verification and Notice). Therefore, the property has already been determined to be a lawfully created lot.

Finding #2. The subject tract must pass the template test. This test requires that a 160 acre template be centered on the subject tract and that there must be at least eleven parcels and three dwellings that existed on January 1, 1993, and that are partially or wholly located within the 160 acre template. A rectangular template centered on the subject tract was used for the parcel and dwelling count. The submitted materials document that there are at least eleven parcels in the template area that was centered on the subject tract:

Map 17-01-31, Tax Lots: 200, 300, 400, 402, 403, 601, and combined TL 600, 602, 604, 605 as Parcel 2 of M78-449, & TL 603 as Parcel 1 of M78-449, and
Map 17-01-31, Tax Lots: 1500 & 1501 combined, 1600, 1800, 1900, 2000, 2200, and 2300.

These parcels appear to be lawful parcels created prior to January 1, 1993, based on approved partitions, legal lot verifications, and deeds. Staff's verification of the status of the fifteen lots/parcels referenced above is preliminary and for the purposes of this application only and does not constitute a determination of legal lot status. The following parcels contain dwellings or permanent manufactured dwellings which existed on January 1, 1993, and continue to exist on those properties:

Map 17-01-31, Tax Lot: 402 (1964 dwelling)
Map 17-01-31, Tax Lot: 403 (1975 dwelling)
Map 17-01-31, Tax Lot: 601 (1975 dwelling)
Map 17-01-31-20, Tax Lots 1500 & 1501 combined (1938 dwelling)
Map 17-01-31-20, Tax Lot 1600 (1949)
Map 17-01-31-20, Tax Lot 2000 (1963)

Finding #3. The development of a template dwelling on the subject property must comply with a number of siting and fire safety requirements in LC 16.211(8) such as driveway design and construction, fuel breaks and fire protection. Compliance with the various requirements in LC 16.211(8) is required in the conditions of approval contained in the Attached Exhibit "A". These design requirements will be field inspected by LMD staff.

The application, all documents and evidence relied upon by the applicant, the applicable criteria, and a copy of the Lane County Planning Director's report are available for inspection at the

Lane County Land Management Division at no cost, and copies will be provided at reasonable cost. The name of the Lane County Land Management Division representative to contact **Deanna Wright** and the telephone number where more information can be obtained is **(541) 682-4082**.

This decision will become final at 5 P.M. on 8/15/16 unless before this time a completed **APPLICATION FOR AN APPEAL OF A DECISION BY THE PLANNING DIRECTOR** form is submitted to and received by the Lane County Land Management Division. **This form is enclosed and must be used if you wish to appeal this decision.**

1. To complete this form, fill in the required information and attach to it all of the materials and information required in numbers 2, 3 and 6 of the appeal form.
2. Then, submit the completed form to Lane County Planning Director so that it is received by him or her prior to the above mentioned time that the decision becomes final.
3. The Lane County Planning Director shall reject an appeal if it is not received prior to the time that the decision becomes final or if it is not complete.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Prepared by: Deanna Wright Date: Aug 1, 2016
Deanna Wright, Associate Planner

Authorized by: Lydia McKinney Date: 8/1/2016
Lydia McKinney, Planning Director /
Land Management Div. Manager

EXHIBITS

- Exhibit A: Conditions of Approval
- Exhibit B: Vicinity Map
- Exhibit C: Site Plan