



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 3, 2008



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Union Plan Amendment
DLCD File Number 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 13, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Grant Young, DLCD Regional Representative
Jeff Wise, City of Union

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FORM 2

DLCD NOTICE OF ADOPTION DEPT OF

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18

MAY 27 2008

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Union Local File No.: ORD 514
(If no number, use none)

Date of Adoption: May 12, 08 Date Mailed: _____
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: Feb 26, 08

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

Land Use Regulation Amendment Zoning Map Amendment

New Land Use Regulation Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Adopted amendment is to Changes the city zoning ORD to allow a property owner w/ multiple adjoining lots or parcels to construct w/out regard to interior ^{lot} lines. Property owners have three options: replat lots, line adjustments or deed restriction recorded on each parcel with Planning Commission approval

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."
Same *of future separation of lots.*

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: The City of Union Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: No:

DLCD File No.: 001-08 (16733)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: None

Local Contact: Jeff Wise Area Code + Phone Number: 541-562-5197

Address: P.O. Box 529 City: Union

Zip Code+4: 97883 Email Address: admin@cityofunion.com

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

CITY OF UNION ORDINANCES
ORDINANCE NO. 514

**AN ORDINANCE AMENDING ORDINANCE NO. 337 TO ADD
PROVISIONS REGULATING CONSTRUCTION UPON ADJOINING
LOTS UNDER SAME OWNERSHIP**

WHEREAS, the City of Union recognizes that an owner of adjoining lots may desire to build structures upon said lots with the intent to recognize the boundaries of adjoining lots as a single property for purposes of regulations under the City of Union Zoning Ordinance, Ordinance 337 (as amended); and

WHEREAS, the City of Union recognizes that the legal classification of the lots or parcels as individual discrete lots or parcels under Oregon Revised Statutes Chapter 92, et. seq. could potentially preclude construction as the property owner would desire pursuant to Ordinance 337 (as amended); and

WHEREAS, the City of Union desires to create a procedure to permit such construction while maintaining the intent of the regulations within Ordinance 337 (as amended); NOW, THEREFORE

THE CITY OF UNION DOES ORDAIN AS FOLLOWS:

SECTIONS

- 1 *Section 3 of Zoning ordinance amended*
- 2 *Section 9 of Zoning ordinance amended*
- 3 *Effective date*

Section 1. ZONING ORDINANCE AMENDED: Ordinance 337 (as previously amended), Section 3 "USE ZONES", is hereby amended by adding the following identified language:(underlining to indicate added language, and not to be part of Ordinance 337, as amended)

"3.060. PROVISIONS REGULATING CONSTRUCTION UPON ADJOINING LOTS OR PARCELS UNDER SAME OWNERSHIP: In order to allow an owner of multiple adjoining discrete lots or parcels to construct upon the area of land under the same ownership and without regard to 'interior lot lines' (treating the entirety of the land as a single lot or parcel by reference to the exterior perimeter lines only), the City recognizes three separate methods to permit such construction pursuant to Section 9.010:

- 1) Replat of the lots under the same ownership pursuant to ORS 92.180 et seq. into one or more lots or parcels, and satisfying the criteria and provisions of the Subdivision and Partition Ordinance for the City of Union.
- 2) Lot/Parcel line adjustment per ORS 92.010(11) and 92.190, provided that each resulting lot or parcel meets the criteria for a new discrete lot or parcel pursuant

to the Zoning Ordinance and Subdivision and Partition Ordinance for the City of Union.

- 3) A Deed Restriction recorded against each lot or parcel proposed to be used for purposes of setback and other requirements or restrictions within the Zoning Ordinance and the Subdivision and Partition Ordinance for the City of Union, which satisfies the following requirements:
 - a) The Deed Restriction identifies the City of Union as a third party beneficiary of the restriction.
 - b) The Deed Restriction states that no lot or parcel identified within the document may be sold separately from any other lot or parcel within the restriction.
 - c) That the intent of the Deed Restriction is to treat the combined land within the identified lots or parcels as a single lot or parcel for purposes of the Zoning Ordinance and the Subdivision and Partition Ordinance for the City of Union.
 - d) That the Deed Restriction runs with the land.

3.061. PROCEDURE FOR REMOVAL OF DEED RESTRICTION

PURSUANT TO 3.060(3): The procedure to be followed in applying for removal of the Deed Restriction established pursuant to Section 3.060(3) of this Ordinance shall be the same as those provided in Section 5 of this Ordinance.

3.062. CRITERIA FOR REVIEW OF REQUEST FOR REMOVAL OF DEED RESTRICTION PURSUANT TO 3.060(3):

The Planning Commission may authorize removal of the Deed Restriction established pursuant to Section 3.060(3) of this Ordinance if the following conditions are satisfied:

- 1) Each discrete lot or parcel and any structures thereon meet all requirements of the Zoning Ordinance and Subdivision and Partition Ordinance in effect at the time of the application, including but not limited to setbacks, street frontage, minimum parcel size for new lots, primary structures and/or uses, accessory structures and/or uses, and limitations on single dwellings per lot or parcel.
- 2) All utility services and equipment remain on and within the lot or parcel on which the structure they serve is located.
- 3) In permitting the removal of the Deed Restriction, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole.

Section 2. ZONING ORDINANCE AMENDED: Ordinance 337 (as previously amended), Section 9 “ADMINISTRATIVE PROVISIONS”, is hereby amended by adding the following identified language (underlining to indicate added language, and not to be part of Ordinance 337, as amended):

9.010. BUILDING PERMITS: No permit shall be issued by the building official or designated City representative for the construction, reconstruction, alternation, or change

ORDINANCE 514 - AN ORDINANCE AMENDING ORDINANCE NO. 337 TO ADD PROVISIONS REGULATING CONSTRUCTION UPON ADJOINING LOTS UNDER SAME OWNERSHIP

of use of a structure or lot or parcel that does not conform to the requirements of this ordinance. If the owner of multiple discrete lots or parcels intends to use multiple lots or parcels for satisfying any portion of this ordinance, they must produce sufficient evidence for review by the building official or City representative to determine that the Deed Restriction set forth in Section 3.060 has been recorder against the title to all affected lots or parcels. No building permit shall be issued for a building or structure on a lot or parcel which abuts a street dedicated to a portion only of its required width and located on the side which has not yet been dedicated or condemned.

Section 2. EFFECTIVE DATE: This Ordinance shall be in effect thirty (30) days following its adoption by the Council and approval by the mayor.

PASSED AND ADOPTED this 12th day of May, 2008, by the following vote: AYES: _____ NAYS: 6 ABSTENTIONS: _____

APPROVED by the Mayor this 22nd day of May, 2008.



Mayor

ATTEST: 

City Recorder

City of Union
342 S Main St.
P. O. Box 529
Union, OR 97883



Department of Land Conservation + Development
Attn: Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

97301-2540-0001

