



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

March 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 004-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 13, 2008

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
Grant Young, DLCD Regional Representative
Jon Jinings, Dlcd Regional Representative
Jeff Wise, City Of Union

<paa> ya

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

FEB 25 2008

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Union Local File No.: ORD 512
(If no number, use none)

Date of Adoption: Feb 11, 2008 Date Mailed: 2-20-08
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 11-2-07

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

(Please Specify Type of Action)

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

Amending zone ordinance regulating use of commercial zones to allow rebuilding of pre-existing residential structures and for residential use in conjunction w/ commercial uses

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

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: N/A

Was an Exception Adopted? Yes: No:

DLCD File No.: 004-07 (16518)

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: _____

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

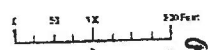
This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

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.

NE 1/4 SW 1/4 SECTION 19 T.04S. R.40E. W.M.
UNION COUNTY
1" = 100'

04S 40E 19CA

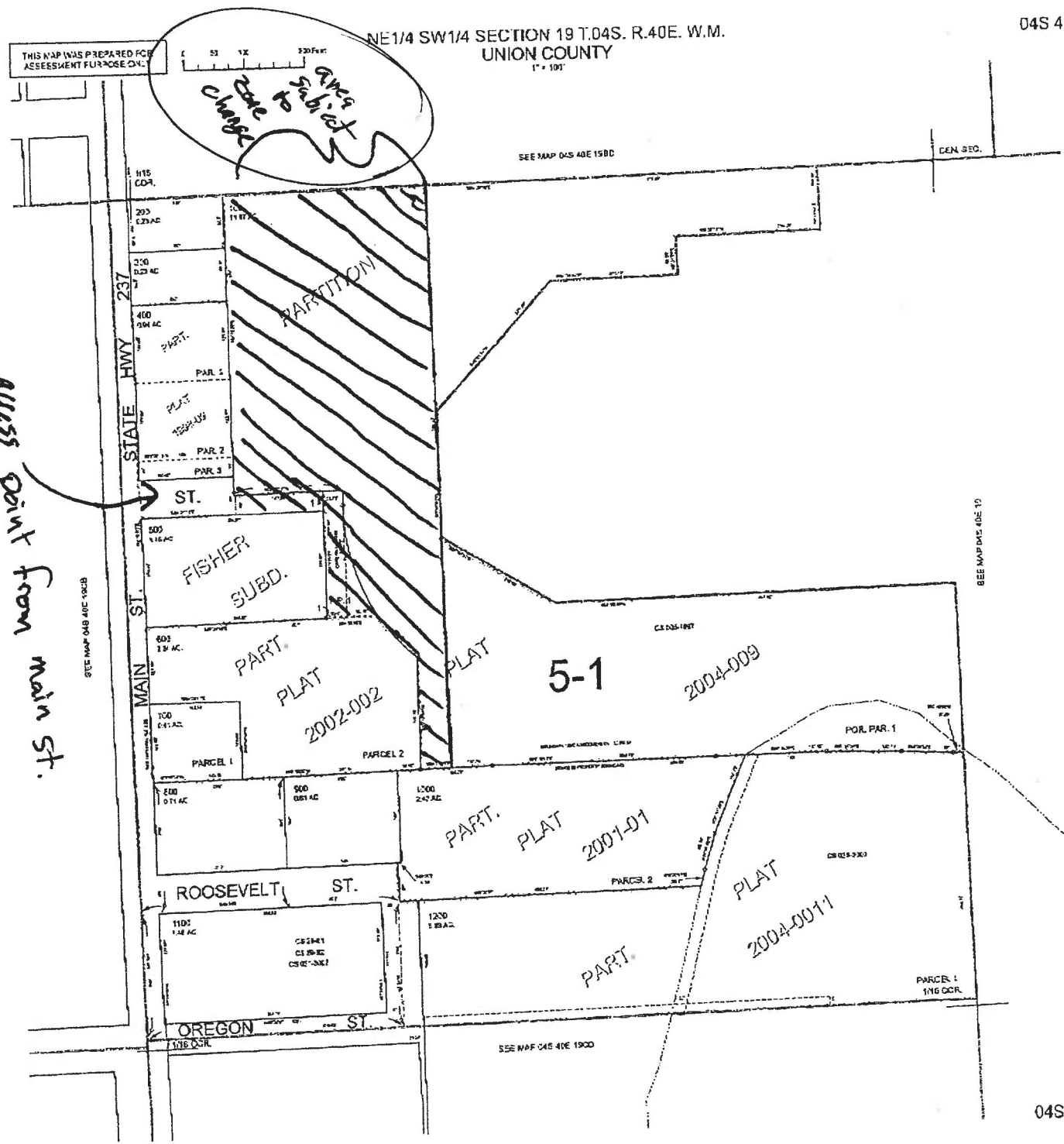
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



*Give subject
change to
change*

*Note: Partition/subdivision and traffic impact
analysis previous completed & approved by Glen. Coon.*

Access point from main st.



Revised SC
11/17/2005

04S 40E 19CA

2007 MON 10:01 FAX 1+541+562+5196 CITY OF UNION

002/003

CITY OF UNION ORDINANCES
ORDINANCE NO. 512

AN ORDINANCE AMENDING ORDINANCE NO. 337 TO ADD
PROVISIONS REGULATING RESIDENTIAL STRUCTURES AND USE
WITHIN THE GENERAL COMMERCIAL (C-1) AND HEAVY
COMMERCIAL (C-2) ZONES.

WHEREAS, the City of Union recognizes concerns of citizens regarding the restrictions on residential use within the General Commercial (C-1) and Heavy Commercial (C-2) zones relating to residential structures existing prior to the creation of Ordinance 337; and

WHEREAS, the City of Union recognizes concerns regarding the restrictions on residential use within the General Commercial (C-1) and Heavy Commercial (C-2) zones relating to residential uses within commercial structures in conjunction with operating commercial activities; and

WHEREAS, the City of Union desires to address the concerns of such citizens while retaining other restrictions on residential uses within the identified zones; NOW, THEREFORE

THE CITY OF UNION DOES ORDAIN AS FOLLOWS:

SECTIONS

- 1 Section 3 of Zoning ordinance amended
- 2 Section 4 of Zoning ordinance amended
- 3 Effective date

Section 1. ZONING ORDINANCE AMENDED: Ordinance 337 is hereby amended by revising Section 3 "USE ZONES" at 3.110 and 3.210, and adding the following identified language, to read as follows:

"3.110. USES PERMITTED OUTRIGHT IN A GENERAL COMMERCIAL ZONE (C-1): General walk-in commercial uses and operations that are predominately retail or service establishments dealing with ultimate consumers. Single family residential use of commercial structures within the C-1 zone shall be permitted only in conjunction with an operational commercial use provided that such residential use is secondary in nature to the main use of the structure for its commercial activities, and the occupying residents are the owners and/or operators of the commercial activities. Said residential use shall not be visible from, and shall not deter or obstruct the street front use of the building for commercial activities. Residential uses of commercial structures shall cease within 6 months of discontinuance of commercial activity, until such times as a new commercial activity is began.

3.210. USES PERMITTED OUTRIGHT IN A HEAVY COMMERCIAL ZONE (C-2): All general commercial uses. Single family residential use of commercial structures within the C-2 zone shall be permitted only in conjunction with an operational

commercial use provided that such residential use is secondary in nature to the main use of the structure for its commercial activities, and the occupying residents are the owners and/or operators of the commercial activities. Said residential use shall not be visible from, and shall not deter or obstruct the street front use of the building for commercial activities. Residential uses of commercial structures shall cease within 6 months of discontinuance of commercial activity, until such times as a new commercial activity is began."

Section 2. ZONING ORDINANCE AMENDED: Ordinance 337 is hereby amended by revising Section 4 "EXCEPTIONS AND VARIANCES" at 4.010(2) and 4.010(3), and adding the following identified language, to read as follows:

"2) Reconstruction and Relocation. A building having a non-conforming use at the time of the passage of this ordinance may not be reconstructed or structurally altered to an extent exceeding 80% of the then current assessed value of the building unless a variance is granted, except as set forth herein. When a building having a non-conforming use is damaged by fire or other causes so that the total deterioration exceeds 80% of the cost of replacing the building using new materials, then such building shall not be rebuilt unless such building in its construction and uses conforms fully to the requirements of this ordinance and other ordinances of the City as applied to new buildings and uses in the district in which it is to be located, except that pre-existing residential structures within the C-1 and C-2 zones may be rebuilt when destruction exceeds 80% of its value to the size, scale, scope, and design of the previous structure. When damage is 80% or less, rebuilding for non-conforming use must be kept within the old foundation. When a building having a non-conforming use is damaged by fire or other causes to an extent which will permit rebuilding, such construction as defined by the State Uniform Building Code must commence within one year of date of damage and be completed within two years of such date, if use is to continue as a non-conforming use, unless a variance is granted. No building or structure shall be moved from one lot or premises to another unless such building or structure shall thereupon be made to conform to all the provisions of this ordinance relative to buildings or structures hereafter erected upon the lot or premises to which such building or structure shall have been moved.

3) Existing buildings. If a non-conforming use involving a structure is discontinued for a period of one year, further use of the building shall conform to this ordinance, except residential structures within the C-1 and C-2 zones, which shall have a period of two years.

Section 3. 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 11 day of February, 2008, by the following vote: AYES: 6 NAYS: 0 ABSTENTIONS: 0

APPROVED by the Mayor this 11 day of February, 2008.



Mayor

ATTEST:



City Recorder

ORDINANCE 512-- AN ORDINANCE AMENDING ORDINANCE NO. 337, THE UNION
ZONING ORDINANCE.

CITY OF UNION
P.O. BOX 529
342 S. MAIN STREET
UNION, OR 97883-529



FIRST CLASS

DEPT OF

FEB 25 2008

LAND CONSERVATION
AND DEVELOPMENT

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