



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

June 26, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Union County Plan Amendment
DLCD File Number 001-06



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: July 12, 2006

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
Jon Jinings, DLCD Regional Representative
Hanley Jenkins, Union County

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DLCD NOTICE OF ADOPTION

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

(See reverse side for submittal requirements)

DEPT OF

JUN 23 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Union County Local File No.: none (If no number, use none)

Date of Adoption: 6-21-06 Date Mailed: 6-21-06 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 3-7-06

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
[X] 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."

The adopted amendment to the Union County Zoning, Partition & Subdivision Ordinance allows for the review and possible creation of nonfarm land divisions consistent with ORS 215.263 & OAR 660-033-0100.

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."

The adopted amendment excludes the creation of new parcels for dwellings as prescribed by ORS 215.263(3) and ORS 215.284(7), and home occupations identified in ORS 215.283(2)(i).

Plan Map Changed from: NA to NA

Zone Map Changed from: NA to NA

Location: A-1, A-2 & A-3 (farm) Zones Acres Involved:

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: Goal 3

Was an Exception Adopted? Yes: No: X

DLCD File No.: 001-06(15077)

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: Hanley Jenkins, II Area Code + Phone Number: (541) 963-1014

Address: 1001 4th Street, Suite C

City: La Grande, OR Zip Code+4: 97850

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 of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will 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 Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

BE IT REMEMBERED, that at a regular term of the Union County Board of Commissioners, for the County of Union, sitting for the transaction of County business, begun and held at the Joseph Building Annex in the City of Ia Grande, in said County and State, on Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable STEVE MCCLURE CHAIRMAN
COLLEEN MACLEOD COMMISSIONER
JOHN LAMOREAU COMMISSIONER

WHEN, on Wednesday, the 21 day of June, 2006 among others the following proceedings were had to-wit:

IN THE MATTER OF AMENDING)
ARTICLE 20.00 SUPPLEMENTAL)
PROVISIONS OF THE UNION COUNTY) ORDINANCE NO.
ZONING, PARTITION & SUBDIVISION) 2006-02
ORDINANCE AND DECLARING AN EMERGENCY)

WHEREAS, Union County received a Zone Amendment application to amend the Union County Zoning, Partition & Subdivision Ordinance Article 20.00 Supplemental Provisions to allow for the review and possible creation of nonfarm land divisions consistent with ORS 215.263 & OAR 660-033-0100;

WHEREAS, the Union County Planning Commission advertised and held public hearings on April 24, 2006 & May 22, 2006 to accept testimony and review the application and held a subcommittee work session on May 9, 2006;

WHEREAS, the Union County Planning Commission on May 22, 2006 recommended approval of the application as revised (Alternative 2) to the Union County Board of Commissioners;

WHEREAS, the Union County Board of Commissioners advertised and held a public hearing on June 21, 2006 to review the Planning Commission's recommendation and receive additional testimony.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, COUNTY OF UNION, STATE OF OREGON:

SECTION 1: AMEND UNION COUNTY ZONING, PARTITION AND SUBDIVISION ORDINANCE

Article 20.00 is amended to include Section 20.14 Nonfarm Use Partitions:

Section 20.14 Nonfarm Use Partitions

Partition applications to create a parcel for a nonfarm use, except dwellings, shall be processed according to this ordinance's Article 25.00 Land Division Regulations and reviewed through a quasi-judicial land use process per Sections 24.09 through 24.12 and the following criteria:

1. The Planning Commission may allow the creation of new parcels for nonfarm uses as identified in ORS

215.283(2) and as authorized by ORS 215.263(3), except uses listed in subsection (2) below and where the applicant can meet the following:

- a. The new parcel shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law;
 - b. The new parcel shall be an adequate size necessary for the public health protection;
 - c. The new parcel will be the minimum size necessary to accommodate the principal use and its accessory uses, structures and facilities.
2. The Planning Commission may not allow the creation of new parcels for dwellings as prescribed by ORS 215.263(3) and ORS 215.284(7), and home occupations identified in ORS 215.283(2)(i).

SECTION 2: SUPPORTING FINDINGS

This Ordinance is passed and adopted with the attached Supporting Findings (Exhibit "A").

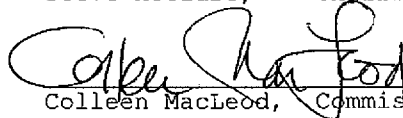
SECTION 3: EMERGENCY ADOPTION

Where an emergency does hereby exist for the immediate need to adopt the Amendment to the Union County Zoning, Partition and Subdivision Ordinance for immediate implementation.

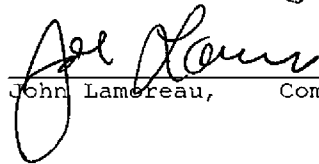
PASSED AND ADOPTED this 21 day of June, 2006, by a vote of the following members of the Union County Board of Commissioners voting therefore.



Steve McClure, Chairman



Colleen MacLeod, Commissioner



John Lamereau, Commissioner

Exhibit "A"
Supporting Findings

1. Union County Zoning, Partition & Subdivision Ordinance (UCZPSO) Section 23.05 (3) identifies several standards which must be satisfied in order to gain Plan Amendment approval.
2. OAR 660-033-0100 (1) & (2) identify the statutory minimum parcel sizes for resource land.
3. ORS 215.263 (5) states the county **may** approve a proposed division of land in an exclusive farm use zone for nonfarm uses, except dwellings, set out in ORS 215.213 (2) or 215.283 (2) if it finds that the parcel for the nonfarm use is not larger than the minimum size necessary for the use. The governing body may establish other criteria as it considers necessary.
4. Union County's Comprehensive Plan does not identify the creation of non-farm parcels as an allowed use in resource zones.
5. Union County Zoning, Partition and Subdivision Ordinance (UCZPSO) does not currently allow for the creation of non-farm parcels.
6. An advertised work session attended by Troy Kay, Joel Hasse, John VanSchoonhoven, Mace Cadwell, Scott Hartell and Hanley Jenkins, II was held on May 9, 2006 to work on changes to the proposed Section 20.14 language.
7. The May 9, 2006 work session resulted in two alternatives to the proposed Section 20.14 language.
8. The applicants have satisfied UCZPSO Section 23.05(3) as presented in oral and written testimony.