



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

February 26, 2007



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 004-06

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: March 2, 2007

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, II, 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

DEPT OF

(See reverse side for submittal requirements)

FEB 23 2007

LAND CONSERVATION AND DEVELOPMENT

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

Date of Adoption: 2-21-07 (Must be filled in) Date Mailed: 2-21-07 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 11-1-06

- 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."

The amendment adds the opportunity to review applications for the creation of new non-farm parcels in the County's resource zones (A-1, A-2, A-3 & A-4) meeting the 2001 Legislature's House Bill 3326 requirements.

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: NA to NA

Zone Map Changed from: NA to NA

Location: all property zoned A-1, A-2, A-3 & A-4 Acres Involved:

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: 3 & 4

Was an Exception Adopted? Yes: No: X

DLCD File No.: 004-06 (15671)

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 La 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 COLLEEN MACLEOD Chair
STEVE MCCLURE Commissioner
R. NELLIE BOGUE HIBBERT Commissioner

WHEN, on Wednesday, the 21st day of February, 2007 among others the following proceedings were had to-wit:

IN THE MATTER OF ADOPTING }
AMENDMENTS TO THE UNION }
COUNTY ZONING, PARTITION & } ORDINANCE NO.
SUBDIVISION ORDINANCE FOR } 2007-01
NONFARM PARTITIONS }

WHEREAS, ORS 215.263 provides that counties may authorize the division of land in an exclusive farm use (EFU) zone to create up to two new parcels smaller than the minimum size established under ORS 215.780, (nonfarm parcels) each to contain a dwelling not provided in conjunction with farm use (nonfarm dwellings) if the applicant can satisfy specifically listed requirements;

WHEREAS, the County Board of Commissioners were asked to initiate a public hearing process to consider the opportunity to create new nonfarm parcels;

WHEREAS, the County Board of Commissioners decided on October 3, 2006 to have the County Planning Department initiate a public hearing process to consider the opportunity to create new nonfarm parcels on EFU zoned land in Union County;

WHEREAS, the County Planning Department initiated a land use regulation amendment process per Union County Zoning, Partition & Subdivision Ordinance Articles 24.00 - Sections 24.13 through 24.16.

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

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

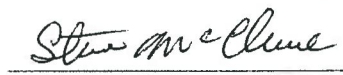
ARTICLE 21.00 is amended to include a new Section 21.08 NONFARM PARTITIONS INCLUDING NONFARM DWELLINGS which is approved, adopted and affixed hereto.

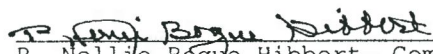
SECTION 2: EFFECTIVE DATE

This ordinance becomes effective thirty (30) days from adoption.

PASSED AND ADOPTED this 21st day of February, 2007, by a vote of the following members of the Union County Board of Commissioners voting therefore.


Colleen MacLeod, Chair


Steve McClure, Commissioner


R. Nellie Bogue Hibbert, Commissioner

SECTION 21.08 NONFARM PARTITIONS INCLUDING NONFARM DWELLINGS

- (1) The County Planning Commission shall review nonfarm partition applications in exclusive farm use zones through a Conditional Use review process per UCZPSO Sections 21.01 through 21.05 and other applicable notification requirements prescribed by Oregon Revised Statutes and Oregon Administrative Rules.
- (2) An applicant may submit a Conditional Use application to create up to two new parcels (nonfarm parcels) on predominantly agriculture land smaller than the minimum lot size prescribed by ORS 215.780, each to contain a dwelling not provided in conjunction with farm use (nonfarm dwelling) if:
 - (a) The original parcel meets or exceeds the applicable ORS 215.780 minimum lot size; and
 - (A) The nonfarm dwelling(s) have been approved under ORS 215.284(7);
 - (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
 - (C) The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size established under ORS 215.780; and
 - (D) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.
 - (b) The original parcel is 40 acres or larger but equal to or smaller than the minimum size established under ORS 215.780.
 - (A) The nonfarm dwellings have been approved under ORS 215.284(7);

- (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
- (C) The parcels for the nonfarm dwellings are:
 - (i) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber; and
 - (ii) Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock. The Land Conservation and Development Commission, in cooperation with the State Department of Agriculture and other interested persons, may establish by rule objective criteria for identifying units of land that are not capable of producing adequate herbaceous forage for grazing livestock. In developing the criteria, the commission shall use the latest information from the United States Natural Resources Conservation Service and consider costs required to utilize grazing lands that differ in acreage and productivity level;
- (D) The parcels for the nonfarm dwellings do not have established water rights for irrigation; and
- (E) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.