



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

06/01/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: Union County Plan Amendment
DLCD File Number 001-12

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: Thursday, June 14, 2012

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Hanley Jenkins, Union County
Jon Jinings, DLCD Community Services Specialist
Grant Young, DLCD Regional Representative

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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 29 2012

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

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

Date of Adoption: 5-23-12 (Must be filled in) Date Mailed: 5-24-12 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 2-18-12

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
Land Use Regulation Amendment (checked)
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 amended UCZPSO Article 23.00 to include OAR 660-018-0020(4).

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: Union County unincorporated areas Acres Involved:

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals:

Was an Exception Adopted? Yes: No: X

DLCD File No.: 001-12 (19181) [17059]

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: Hanley Jenkins, II Area Code + Phone Number: 541-963-1014
Address: 1001 4th Street, Suite C
City: La Grande 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 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 WILLIAM ROSHOLT Chairman
STEVE MCCLURE Commissioner
MARK DAVIDSON Commissioner

WHEN, on Wednesday, the 23rd day of May, 2012, among others the following proceedings were had to-wit:

IN THE MATTER OF AMENDING ARTICLE)
23.00 LAND USE REGULATION AND) ORDINANCE NO.
LAND USE PLAN AMENDMENTS OF THE) 2012-01
UNION COUNTY ZONING, PARTITION &)
SUBDIVISION ORDINANCE)

WHEREAS, Union County submitted a Land Use Regulation Amendment application on February 6, 2012 to amend the Union County Zoning, Partition & Subdivision Ordinance Article 23.00 Land Use Regulation and Land Use Plan Amendments to include a new Oregon Administrative Rule, 660-018-0020(4), which allows local governments to adopt changes in Oregon Revised Statutes, Oregon Administrative Rules and Statewide Planning Goals without holding public hearings if the only effect of the proposed changes is to conform comprehensive plans or land use regulations to the new requirements;

WHEREAS, the Union County Planning Commission advertised and held a public hearing on March 26, 2012 to accept testimony and review the application;

WHEREAS, the Union County Planning Commission on March 26, 2012 recommended approval of the application to the Union County Board of Commissioners;

WHEREAS, the Union County Board of Commissioners advertised and held a public hearing on April 18, 2012 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:

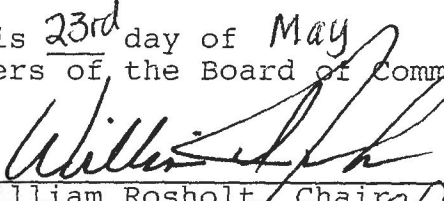
SECTION 1: AMEND UNION COUNTY ZONING, PARTITION & SUBDIVISION ORDINANCE

SECTION 23.01 is amended to include OAR 660-018-0020(4) as shown in Exhibit "A" which is approved, adopted and affixed hereto.

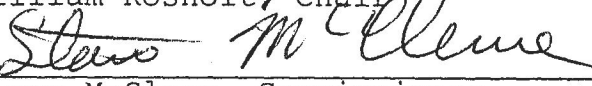
SECTION 2: SUPPORTING FINDINGS

This Ordinance is passed and adopted with the supporting findings included in Attachment "B".

PASSED AND ADOPTED this 23rd day of May, 2012 by a vote of the following members of the Board of Commissioners voting therefore.



William Rosholt, Chair



Steve McClure, Commissioner

Mark Davidson, Commissioner

ARTICLE 23.00
LAND USE REGULATION AND LAND USE PLAN AMENDMENTS

23.01 AUTHORIZATION TO INITIATE AN AMENDMENT

An amendment to the text or map of the Union County Land Use Plan or the text or map of this or other land use regulations, including the Transportation System Plan, or adoption of a new land use regulation may be initiated by the Planning Commission, by the Board of Commissioners, or by application from a property owner(s) or his authorized agent.

If a local government proposes a change to an acknowledged comprehensive plan or a land use regulation solely for the purpose of conforming the plan and regulations to new requirements in a land use statute, statewide land use planning goal, or a rule implementing the statutes or goals, the local government may adopt such a change without holding a public hearing, notwithstanding contrary provisions of state and local law, provided:

- (a) The local government provides notice to the Oregon Department of Land Conservation & Development of the proposed change, including the materials described in section (2) of OAR 660-018-0020, 35 days before the proposed change is adopted by the local government, and
- (b) The department confirms in writing prior to the adoption of the change that the only effect of the proposed change is to conform the comprehensive plan or the land use regulations to the new requirements.

Exhibit "B"

1. Union County Zoning, Partition & Subdivision Ordinance (UCZPSO) Section 23.05 2. identifies standards that must be satisfied to gain land use regulation amendment approval.
2. Union County is requesting a Land Use Regulation Amendment approval to amend the Union County Zoning, Partition and Subdivision Ordinance Article 23.00 to include a new Oregon Administrative Rule - 660-018-0020(4) which allows local governments to adopt changes in ORS, OAR and Statewide Planning Goals without holding a public hearing if the only effect of the proposed changes is to conform comprehensive plans or land use regulations to the new requirements.
3. The applicant's Exhibit "C" provides the following responses to UCZPSO Section 23.05 2:
 1. There is no local opportunity to amend or change Statutes, Rules or Goals that direct local land use decisions; therefore, public testimony at the local level cannot amend or change local implementation of Statutes, Rules or Goals.
 2. Advertising and holding public hearings for required land use Statutes, Rules and Goals is an optional County General Fund expense that can be avoided.
 3. ORS 197.646(4) requires local governments to implement new or amended Statutes, Rules and Goals directly if they do not adopt such changes to their land use regulations.
 4. Union County Planning Department is currently complying with ORS 197.646(4) and directly implementing new and amended land use Statutes and Rules because local land use regulations have not been updated.
4. The applicant has satisfied UCZPSO Section 23.05 2. based on the Exhibit "C" submitted with the application.

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:

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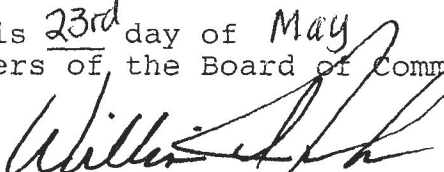
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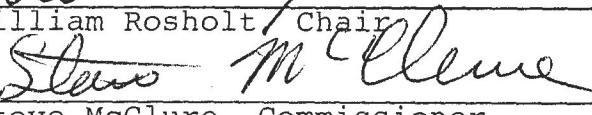
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UNION COUNTY
PLANNING DEPARTMENT
1001 4th Street, Suite C
La Grande, Oregon 97850



Attn: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

DEPT OF
MAY 29 2012

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