



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: 01/21/2015  
Jurisdiction: Union County  
Local file no.: None  
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/20/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 48 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 001-14 {22413}  
Received: 1/20/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Union County

Local file no.: none

Date of adoption: 10/15/14

Date sent: 1/20/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 08/12/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes  No

If yes, describe how the adoption differs from the proposal:

not different

Local contact (name and title): Hanley Jenkins, Planning Director

Phone: 541-963-1014

E-mail: [hjenkins@union-county.org](mailto:hjenkins@union-county.org)

Street address: 1001 4<sup>th</sup> Street, Suite C

City: La Grande

Zip: 97850-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

**For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

**For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

- Change from \_\_\_\_\_ to \_\_\_\_\_ acres. A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres. A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres. A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

UCZPSO Section 6.02 PERMITTED USES amended

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: none

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

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	STEVE MCCLURE	Chairman
	MARK DAVIDSON	Commissioner
	WILLIAM ROSHOLT	Commissioner

WHEN, on Wednesday, the 15<sup>th</sup> day of October, 2014, among others the following proceedings were had to-wit:

IN THE MATTER OF AMENDING ALL	}	
RESIDENTIAL ZONES IN THE UNION COUNTY}		ORDINANCE NO.
ZONING, PARTITION & SUBDIVISION	}	2014-04
ORDINANCE & DECLARING AN EMERGENCY	)	

WHEREAS, Union County received an application to amend Union County Zoning, Partition & Subdivision Ordinance Section 6.02 to include a residential home per ORS 197.665; replacement dwellings; and single-family dwellings on lawfully created, pre-existing substandard lots or parcels platted prior to January 1, 2016 applicable to all county residential zones;

WHEREAS, the Union County Planning Commission advertised and held a public hearing on September 29, 2014 to accept testimony and review the application;

WHEREAS, on September 29, 2014 the Union County Planning Commission 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 October 15, 2014 to review the Planning Commission's recommendation and receive additional public testimony.

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

SECTION 1: AMENDMENT

UCZPSO Section 6.02 PERMITTED USES is amended to add three new uses as follows:

8. Residential home per ORS 197.665.
9. Alteration, restoration, or replacement of a lawfully established dwelling if:
  - a. The following facilities are existing and functional:
    - A. Intact exterior walls and roof structure;
    - B. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - C. Has interior wiring for lights; and
    - D. Has a heating system.
  - b. In the case of replacement, the dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling.
10. Single-family dwelling on a lawfully created, pre-existing substandard lot or parcel; platted prior to January 1, 2016; less than the minimum lot size

of the zone where the subject lot or parcel can qualify for an Oregon Department of Environmental Quality approved subsurface sewage disposal system and demonstrate an adequate water supply for one single-family dwelling.

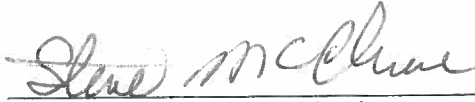
SECTION 2: SUPPORTING FINDINGS

This Ordinance is passed and adopted with the supporting findings included in Exhibit "C".

SECTION 3: EMERGENCY ADOPTION

An emergency does hereby exist for the immediate need to adopt the Amendment to the Union County Zoning, Partition and Subdivision Ordinance to allow land owners of pre-existing substandard lots and parcels in residential zones to pursue any of the proposed new dwelling opportunities.

PASSED AND ADOPTED this 15<sup>th</sup> day of October, 2014 by a vote of the following members of the Board of Commissioners voting therefore.



Steve McClure, Chairman



Mark Davidson, Commissioner



William Rosholt, Commissioner

Attest: Shelley Burgess

Exhibit "C"

1. Union County Zoning, Partition & Subdivision (UCZPSO) Section 23.05 3. identifies the criteria that must be satisfied to gain zone text amendment approval:
  - A. Community attitudes and/or physical, social, economic, or environmental changes have occurred in the area or related areas since plan adoption and that a public need supports the change, or that the original plan was incorrect.
  - B. Alternative sites for the proposed uses will be considered which are comparable with the other areas which might be available for the uses proposed.
  - C. All applications to take an exception or exclude certain land from the requirements of one or more applicable statewide planning goals shall be reviewed against the requirements in OAR Chapter 660, Division 4.
  - D. Determine whether the amendment significantly affects a transportation facility. The amendment shall assure that land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
    - Limiting allowed land uses to be consistent with the planned function of the transportation facility;
    - Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
    - Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
2. The applicant is requesting to add three land use opportunities applicable to all county residential zones.
3. The subject properties are located with the County's R-1 Rural Center Zones, R-2 Rural Residential Zones, R-3 Farm Residential Zones and R-4 Forest Residential Zone.
4. The USDA Natural Resource Conservation Service soils information does not pertain to this application request because all of the areas are pre-existing Goal 2 Exception Areas and the request does not involve a specific site(s).
5. Union County is proposing to include three land use opportunities applicable to all residential zones. Residential home per ORS 197.665 and replacement dwelling language are opportunities currently authorized in statute and rule not allowed in the County's residential zones. The ability to build on

per-existing substandard legally created lots or parcels platted prior to January 1, 2016 was substantially effected by a LUBA court decision - LUBA No. 2008-206 Kenneth A. Thomas vs. Wasco County. LUBA held that just because a lot or parcel was legally created did not mean it was buildable. The County's residential zones currently only allow "single-family dwelling per land unit meeting minimum lot size requirements."

6. The applicant has satisfied UCZPSO Section 23.05 3. based on the Exhibit "C" submitted with the application and on verbal and written testimony.