

City of Union, Oregon



PO Box 529
342 S. Main Street
Union, OR 97883

Home to the Buffalo Peak Golf Course

Phone: 541-562-5197
Fax: 541-562-5196
www.cityofunion.com

CITY OF UNION OREGON PLANNING COMMISSION AGENDA
December 18, 2025 at 6:00pm
Leonard Almquist Chambers located at 342 S. Main Union, OR 97883

For More Information, Please Contact Celeste Tate, City Administrator at 541-562-5197

Zoom Information

Join Zoom Meeting

<https://us06web.zoom.us/j/9315921644?pwd=VW50QUVhV2dwUzF6eW5nYTZGcmVjZz09>

Meeting ID: 931 592 1644

Passcode: 760310

Dial by your location

• +1 253 215 8782 US (Tacoma)

1. Call to Order and Roll Call

Commissioners:

Brookshire, Diller, Hall, Steinbeigle, White, Williams

2. Minutes

- a. November 25, 2025 – Planning Commission Work Session Minutes
- b. November 25, 2025 - Planning Commission Meeting Minutes

3. New Business

- a. MNP-25-03 – Minor Partition – Jesse and Deena Reed
- b. General Commercial Zone Proposed Changes

4. Public Comment (All speakers are entitled to 3 Minutes)

5. Upcoming:

6. Adjourn

If you have a disability that requires any special materials, services, or assistance, please contact City Hall at least 48 hours prior to the meeting at 541-562-5197 so appropriate accommodations can be made.

**REPORT TO CITY OF UNION
PLANNING COMMISSION**

TO: City of Union Planning Commission
FROM: Celeste Tate, City Administrator/Recorder/Planner
RE: Deena and Jesse Reed
• Application for Minor Partition
Application #MNP 25-03

PROPERTY: County Assessor's Map 04S4019CD, Tax Lot 100
462 Wapiti Way, Union, Oregon.

Site Area: 304,414 Square Feet

BACKGROUND

The City of Union received an application from Deena and Jesse Reed for a minor partition on October 7, 2025 and the application was determined to be complete. A public hearing before the Planning Commission was set for December 18, 2025

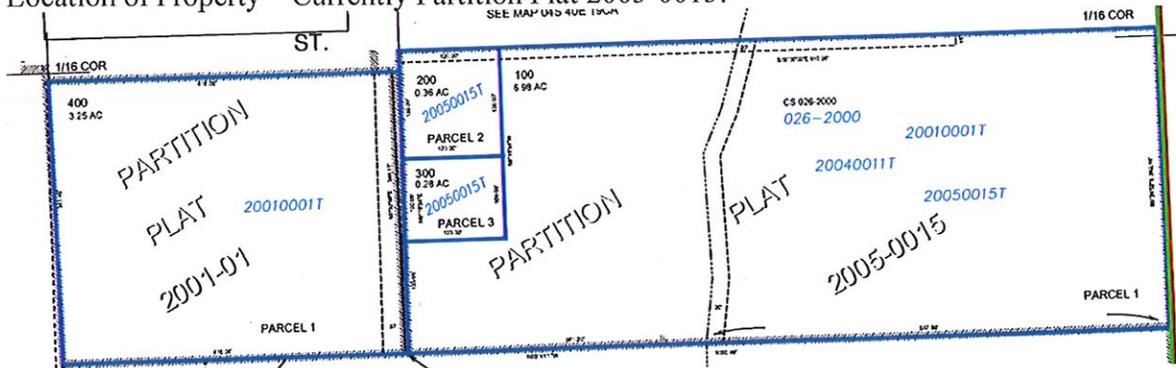
PROPOSAL DESCRIPTION

The application proposes to create three parcels. The first lot includes the homeowner's home and outbuildings with the border of this parcel on the west side being the Prescott Ditch encompassing approximately 199,500 square feet. The land on the other side of Prescott Ditch would be split into two parcels with the west parcel being a flag lot of approximately 38,100 square feet and the east parcel being rectangular in shape with approximately 66,814 square feet and the east side of the parcel having a border of Prescott Ditch.

SITE AND VICINITY DESCRIPTION

The proposed minor partition site is located along Wapiti Way and in total is a 6.98 Parcel with Prescott Ditch running through it, and some wetlands on the south and south west side. Wapiti Way is a public road until you get to this parcel in which it turns into a private road.

Location of Property – Currently Partition Plat 2005-0015:



REPORT TO CITY OF UNION PLANNING COMMISSION
Prepared for the Public Hearing on December 18, 2025

Arial view showing the Parcels 2 and 3 from Partition Plat 2005-0015 on the upper left hand corner and the current Parcel 1 at 462 Wapiti Way:



Arial view showing the property along with the surrounding area:

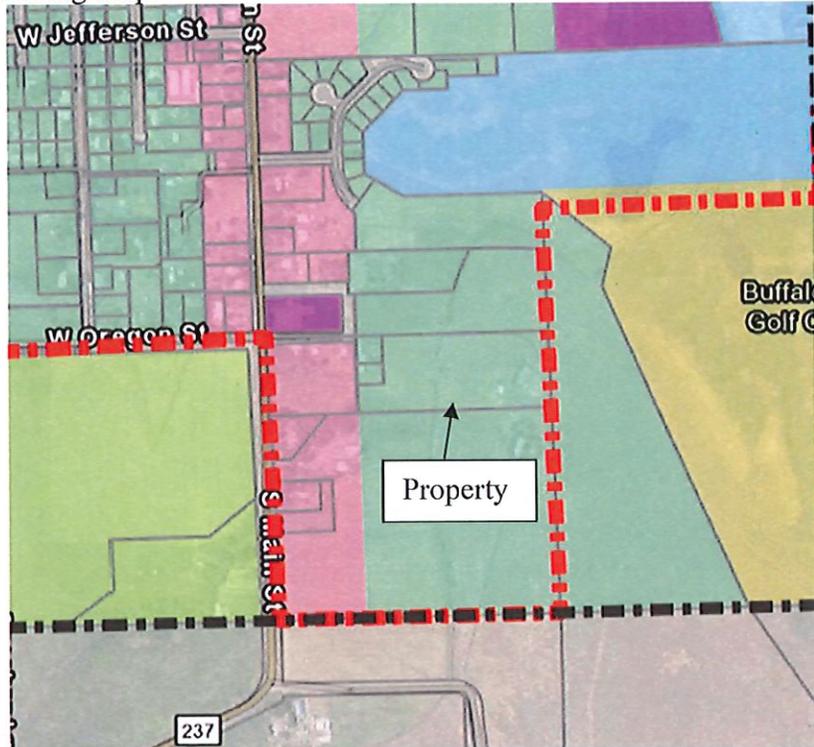


REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on December 18, 2025

The property is surrounded by homes in Residential (R-1) zone along with heavy commercial and public facility. and the property is not in the 100-year flood plain. The partition would meet the requirement for the zone on size and use and have been planned as such.

Zoning Map:



LEGEND	
	AGRICULTURE-FOREST
	COMMERCIAL AMUSEMENT
	EXCLUSIVE FARM
	FARM RESIDENTIAL
	GENERAL COMMERCIAL
	HEAVY COMMERCIAL
	INDUSTRIAL
	PUBLIC FACILITY
	RESIDENTIAL
	RURAL RESIDENTIAL
	CITY LIMITS
	URBAN GROWTH BOUNDARY

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on December 18, 2025

APPLICABLE CRITERIA AND STANDARDS

City of Union codified codes:

Title XV (Land Use), Chapter 152 (Partitions and Subdivisions), Chapter 155 (Zoning):

*** Additional provisions of the Zoning Ordinance or Comprehensive Plan may apply to this proposal and may be identified in testimony received by the Planning Commission. If this occurs, appropriate findings should be included with the Final Order.*

SUGGESTED FINDINGS OF FACT FOR THE CONDITIONAL USE PERMIT

The Planning Commission may use the following findings which are relevant to justify approval or denial of the application for a minor partition plus add additional findings as brought out through testimony presented at the public hearing. Each of the below findings will tend to support or deny the application.

FINDINGS

1. The minimum lot size for new lots and parcels in the R-1 zone shall be 7,500 square feet. The creation of these three lots will exceed that standard.
2. Utility services are in and along Wapiti Way and are capable of handling additional residential services and currently serve the single-family home on the originating lot.
3. There shall not be more than one dwelling and its accessory buildings constructed on one lot. The new lots created are vacant.
4. Notice was mailed to all residences located within 300 feet of the original lot's boundaries on November 28, 2025.
5. Public notice was placed as normal for public meetings around the City of Union.
6. The proposed minor partition is in accordance with the area land use plan and zoning requirements. It does not materially alter the stability of the overall land use pattern of the area, nor initiate or encourage a pattern of development incompatible with existing area uses.
7. The Partition Plat 2004-0011 which was approved with MNP 04-02 in June 2004 with the following noted in the staff report; "Future partitioning or subdivision of parcel 2 may require dedication of this area to accommodate the planned street" and as a condition of approval of that same Partition Plat; "The applicants property owners understand that the city will not maintain the access easement until such time that the road has been improved to City standards and has been dedicated to public use and accepted by the city." and; "The access easement shall be improved to minimum fire code standards to allow for passage of a fire truck during inclement weather. The

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on December 18, 2025

applicants/purchasers are encouraged to improve the easement road width, base and leveling course to the City standards for a local street.”

8. The minimum lot frontage shall be 60 feet, all proposed lots do not meet this requirement due to the Partition Plat 2005-0015 requiring a variance from this requirement.
9. The current Partition Plat 2005-0015 was approved in June 2005 with a variance granted by the planning commission from road frontage standards as it was found that after surveying the property, Wapiti Way officially ended 30 feet into the parcel. Therefore, in order to approve the Partition Plat 2005-0015, the Planning Commission had to do so with a variance granted with the Findings, Conclusions and Order Granting Tentative Approval stating under the Order “Approval includes the granting of a variance from road frontage standards in the Zoning Ordinance to permit the lots being created to have access by easement rather than having frontage on a City street, with streets to be built later if further development occurs.”
10. The intent of the planning commission with the current Partition Plat 2005-0015 was that Wapiti Way would be extended further down if further development occurs and that frontage of the existing private road did not meet the criteria in the Zoning Ordinance concerning road frontage thus the variance for that application.
11. The proposed partition would require extending Wapiti Way, developing it to City standards for a local street to meet the requirements for road frontage.
12. This minor partition, if developed with residential homes, could affect the economic and social conditions and other characteristics which could make this section of town desirable in which to live.
13. Through statement by the applicant, the plan is to do two minor partitions in the next two years.
14. Development of this area into five separate parcels over two years requires consideration by the planning commission of the future access needs to these parcels and highlights the need to consider the original intent of the first two minor partition applications to the planning commission and results of those two applications.
15. Due to the applicant’s statement of plan to develop this parcel into five separate parcels in two years, the planning commission should consider treating the application as a major partition or subdivision and reviewing as such with the requirements set forth in the Zoning Ordinance concerning major partitions and subdivisions.
16. Property does not border an Oregon State Highway so that jurisdiction requires no notification.

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on December 18, 2025

17. The existing home is not in the Union Main Street Historic District nor is it listed on the National Register of Historic Places.
18. The school district appears to have no adverse impact from the partition and can accommodate additional students to the school system.
19. No future form of intended development beyond residential and pasture is indicated on the application.

COMMENTS RECEIVED:

We received a letter from the landowner abutting the west side of the property that owns Parcels 2 and 3 from Partition Plat 2005-0015, Fred and Susan Hawkins, with some concerns they have on development in that area due to the gravel road that serves that area, and the grade of that gravel road. In addition, they voiced concern about flooding in that area that comes from surface water and a wetland on the other side of the property. The suggestion to alleviate the concerns on the development was to address the partition as a major partition not a minor partition and have the road chip sealed or paved.

STAFF SUGGESTED CONDITIONS:

If the Planning commission passes the application, then the following conditions should be discussed and potentially applied:

1. Final plat must comply with the standards and criteria set forth in Title XV: Chapter 152.
2. Wapiti Way would be extended down to the proposed Parcel 1 that currently includes the homeowner's home, dedicated as a city street and accepted by the city after improving it to City standards.
3. Applicant must address the flooding from surface water with a French drain that would start at Wapiti Way on the proposed parcel 3 and extend down towards the wetland on the west side of parcel 3 to alleviate flooding concerns on this parcel and neighboring properties that may worsen with development.
4. If approved by the Planning Commission, the Applicant will have one year to submit their final plat for signing by the Mayor. After signing by the Mayor, the applicant will have 90 days in which to have the plat recorded.

(Failure to follow through on final plat requirements will make all decisions of the Planning Commission for this property null and void.)

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CITY OF UNION PLANNING APPLICATION

Application #: MNP-25-03

Date Submitted: 10-7-2025

Received By: CAT

Date of Notification: 11-28-2025

Date of 1st Hearing: 12-18-2025

Date Completed: _____

APPLICATION TYPE (Check one):

<input type="checkbox"/>	Conditional Use Permit	<input checked="" type="checkbox"/>	Minor Partition	<input type="checkbox"/>	Street/Alley Vacate	<input type="checkbox"/>	Zone Text Amendment
<input type="checkbox"/>	Flood Zone Permit	<input type="checkbox"/>	Plan Amendment	<input type="checkbox"/>	Variance	<input type="checkbox"/>	Site Plan Review
<input type="checkbox"/>	Historic Design Review	<input type="checkbox"/>	Property Line Adjustment	<input type="checkbox"/>	Zone Change	<input type="checkbox"/>	Major Partition

Other: _____

Fee Amount: \$ 300.00

Applicant: Deena & Jesse Reed

Address: 462 Wapiti Way

City: Union State: OR Zip: 97883 Phone: 541-786-5478

Property Owner (if Different): _____

Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

DEVELOPMENT REQUEST

Proposed Land Use {be specific}: Residential lots

PROPERTY INFORMATION

- Physical Site Address: 462 Wapiti Way Union OR 97883
- Map: 0454019CD Tax Lot: 100 Lot Size: .45 a/c .38
- Has property been surveyed? Yes No Inside urban growth boundary? Yes No
- Current zone classification? Light Residential Existing Structures: No
- Existing Easements: Unknown
- Overlay Zones: Flood Zone? Yes No Historic District? Yes No
- Major Topographical features (stream, ditch, slope, etc.): 7% slope

STATEMENT OF UNDERSTANDING

I understand that I have the burden to prove my request meets all applicable ordinance requirements and that I must address all criteria that may apply. The criteria for approving or denying my request has been furnished to me as part of this application. I understand supplemental materials and information may be required by City of Union staff to complete the application.

I certify the above information to be true and correct and that I am the property owner, or authorized representative for the property owner. I understand that my application may be denied or delayed if incomplete or found to be falsified.

APPLICANT SIGNATURE: [Signature]

DATE: 9-30-2025

11-20-2025

To whom it may concern,

Our plan is to do 2 minor partitions in the next 2 years to sell for residential dwellings.

Jesse & Deena Reed



RECEIVED

NOV 24 2025

BY: _____

BASIS OF BEARING

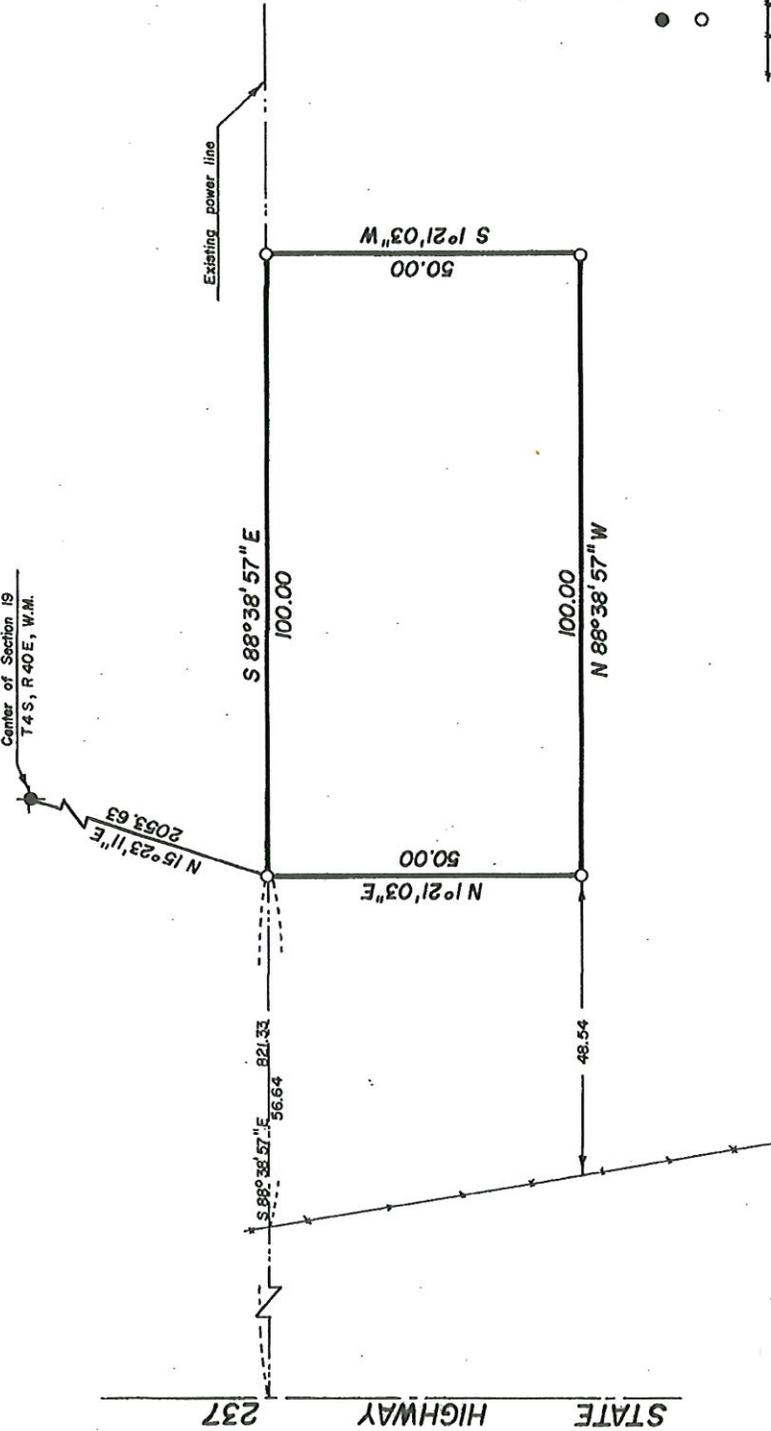
SURVEY NO. 42-77

REFERENCE MATERIAL

SURVEY NO. 42-77
SURVEY NO. 66-79

LEGEND

- FOUND MONUMENT OF RECORD
- SET 5/8" x 30" IRON PIN WITH PLASTIC CAP MARKED B-6-A SURVEY MARKER
- +—+—+— EXISTING FENCELINE
- EXISTING POWER LINE
- - - CENTERLINE



NARRATIVE

THIS SURVEY WAS ORDERED BY CABLEVISION TO ESTABLISH AN EASEMENT FOR A TELEVISION SIGNAL RECEPTOR DISH FOR THE UNION AREA. THE MONUMENTS SHOWN DEFINE AN EASEMENT ONLY. NO TRANSFER OF PROPERTY IS INTENDED. NO UNUSUAL CONDITIONS WERE FOUND.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory T. Blackburn
OREGON
GREGORY T. BLACKBURN
591

BAGETT, GRIFFITH & ASSOCIATES
La Grande, Oregon
Map of Survey

EASEMENT IN THE SE 1/4
OF THE SW 1/4 OF SECTION
19, T4S, R40E, W.M.

UNION
COUNTY, OREGON

SURVEYED FOR	CABLEVISION	
SURVEYED BY	GTB	4/80
Scale: 1" = 20'	Drawn by: RGR	4/80

ON Map # 0454019CD

ft

96 ft elevation

REED
JESSE D &
DEENA

Scott Ditch

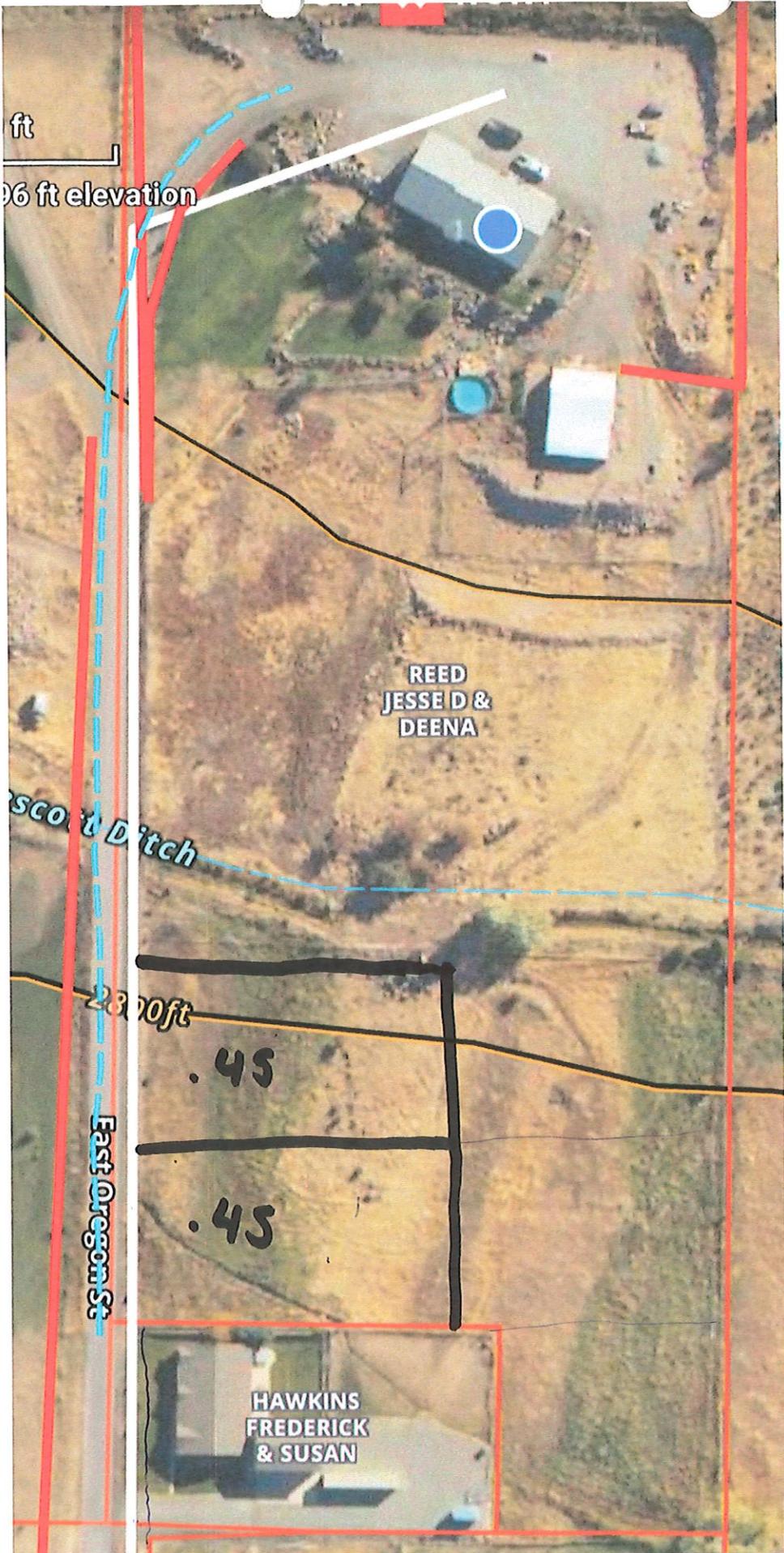
2370ft

.45

.45

East Oregon St

HAWKINS
FREDERICK
& SUSAN



City of Union, Oregon



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Friday, November 28, 2025

NOTICE OF PROPOSED LAND USE ACTION PUBLIC HEARING

Dear Property Owner:

You are receiving this letter because the boundary of your property is located within 300 feet of a parcel of land being considered for the following proposed land use action.

Applicant: *Deena and Jesse Reed*
Land Use Application: *Minor Partition 25-03*
Property Description: *Union County Assessor's Map 04S4019CD, Tax Lot 100; otherwise, 462 Wapiti Way, Oregon 97883.*

The hearing to consider the application will be held on **December 18, 2025 at 6:00 p.m** in the Leonard Almquist Council Chambers, Union City Hall, 342 S. Main Street, Union, Oregon.

Applicable criteria for the Planning Commission's decision is found within the following:

City Ordinance Codified Code: Chapter 152 (Partitions and Subdivisions) and Chapter 155 (Notices, Use Zones)

A copy of the application and provided supporting material from the applicant are available for inspection at no cost during City Hall business hours. The staff report will be available for inspection at City Hall, at no cost one week prior to the hearing date. Copies of all materials will be available at cost.

Testimony for or against the proposed land use action may be presented orally at the planning commission hearing, or by written statement presented to City Hall staff by December 9th, 12:00PM, 2025. Testimony and evidence must be directed toward the criteria above, or other criteria in the Zoning Ordinance and/or Land Use Plan that you believe to be appropriate. Failure to raise an issue with enough specificity to afford the Planning Commission and the parties an opportunity to respond will preclude appeal of any resulting land use decision to the Land Use Board of Appeals.

If you have questions or need more information, please contact City Administrator Celeste Tate at City Hall 541-562-5197, or fax 541-562-5196 or email admin@cityofunion.com.

If you have a disability requiring any special materials, services or assistance, please contact the City Office Manager at City Hall 541-562-5197 at least 48 hours before the hearing.

Sincerely,

Celeste Tate

Celeste Tate
City Administrator

December 7, 2025

City of Union
Planning Commission
Union, OR 97883

City of Union and Planning Commission Members,

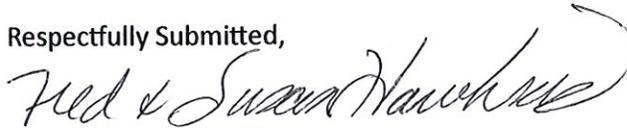
We are writing in response to the proposed minor partition application, 25-03, on Tax Lot 100 otherwise known as, 462 Wapiti Way, Union Oregon.

We have some concerns in the proposal to sub divide the property. At the present time, the city street (Wapiti Way) is a gravel road surface, which stops on the east side of our barn. Our understanding and experience is that the city doesn't maintain the road beyond that point up the hill. At the present time, Wapiti Way becomes a series of pot holes by our house just with the traffic for two houses that now exist. Will the city accept and improve the road and maintain it throughout? Presently, we are required to oil Wapiti Way for dust control up to and including the road in front of our Airbnb as part of the conditional use permit that we obtained. The 100 feet or so road in front of our Airbnb is presently not maintained by the city for resurfacing, snow removal or maintenance. With the proposed additions there will be an increase in vehicular traffic on Wapiti Way. Will the city require the road be oiled, chip sealed or paved to help with maintenance and dust control? I would hope that the existing road either be chip sealed or paved to handle the additional traffic. There is also the concern over the percentage of the grade.

Also, currently on an annual basis the AirBnb at 202 Wapiti Way has a flooding problem with surface water coming from the Prescott Ditch and or an active spring that is fed by the ditch. Surface water will come down hill and into the yard. We were planning on putting in a French Drain on the proposed property under consideration to channel the water downhill and away from our retaining wall and lot. The water also collects to the south side of our barn on 1601 S. Main property. This water channels into a wet land in the southeast corner of 1601 S Main. This ditch can be seen on an arial view of the property.

Our final concern is that this minor partition, proposing four flag lots, will in essence create a major partition, with even more traffic and road maintenance concerns. If the present road is not addressed now as a major partition, rather than a minor, when and who will be responsible for those upgrades?

Respectfully Submitted,



Fred and Susan Hawkins
1601 S. Main
Union, OR 97883

RECEIVED

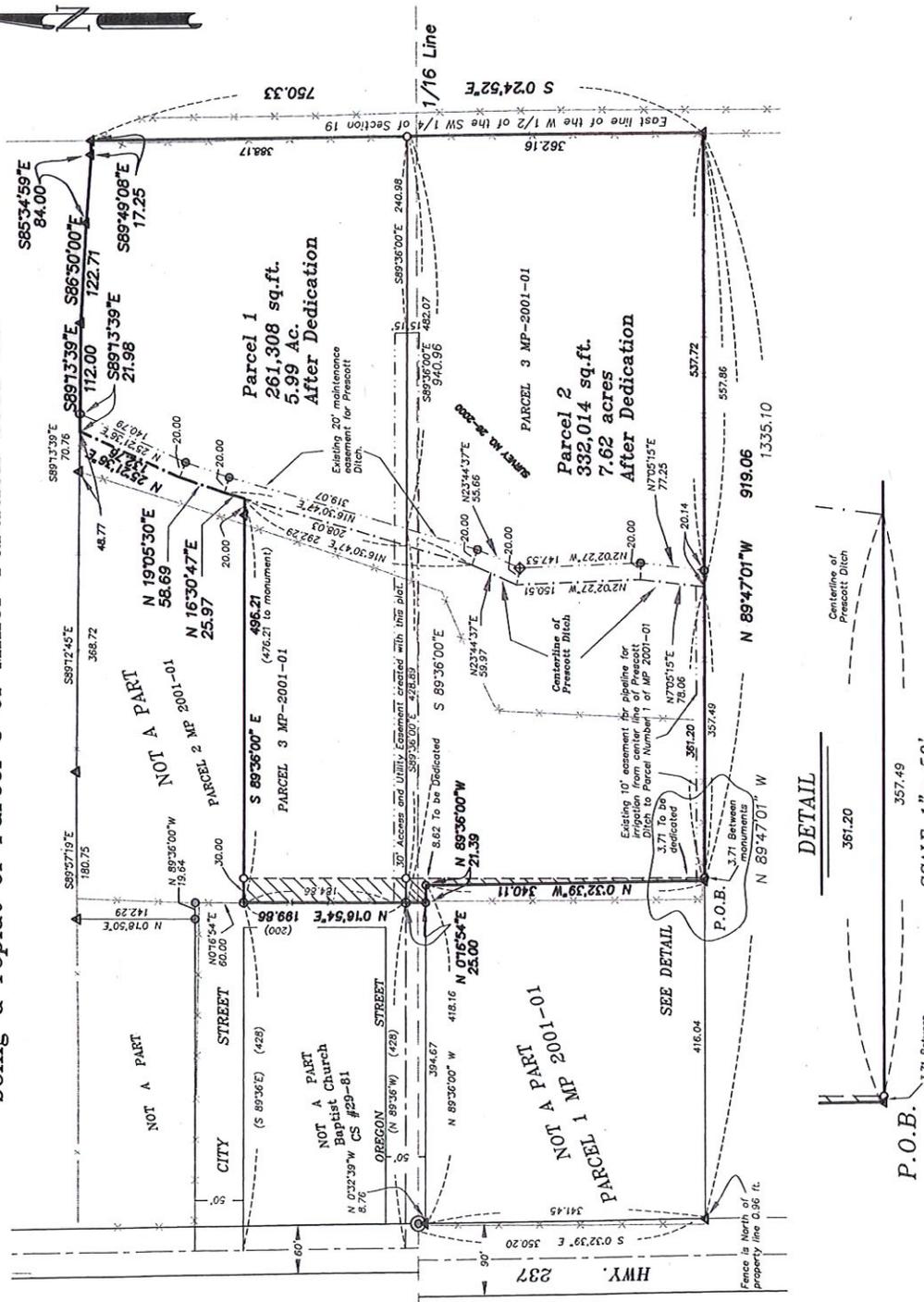
DEC 08 2025

BY: KG

MAJOR PARTITION NO. 200451617

Located in a portion of the East 1/2 of the Southwest 1/4 of Section 19, Township 4 South, Range 40 East of the Willamette Meridian. And being a replat of Parcel 3 of Minor Partition 2001-01.

MICROFILM NUMBER 200451617
PLAT CABINET NO. S140-141



SCALE: 1" = 100'

LEGEND

- Found 2 1/2" x 30" aluminum monument, see Union County remonumentation records.
- Found 5/8" brass pin with yellow plastic cap "TGS SURVEY MARKER", set by Minor Partition 2001-001.
- Found 5/8" rebar set by Survey number 29-81.
- Found 5/8" iron pin with yellow cap marked "TGS SURVEY MARKER", set by Survey number 025-2000.
- Found brass plaque marked "TGS 991", in top of rock, set by Minor Partition number 2001-001.
- S4-5/8" x 30" iron rebar with yellow cap marked "TGS SURVEY MARKER".

- Centerline of street
- Centerline of PRESCOTT DITCH.
- Easement line
- Existing fence line
- 1/16th Line
- Area to be dedicated.

REFERENCE MATERIAL

- MF # 66159 MF # 890770
- MF # 10571 MF # 42567
- MF # 105174 MF # 105173
- MF # 101553 MF # 91491
- MF # 108128 MF # 45497
- MF # 993512 MF # 20043147

Book No. 120 Page 35
Survey No. 029-1981
Survey No. 004-1987
Survey No. 026-2000

Minor Partition Plat No. 2001-01
Abstract & Title Company Report #3008
Union County Remonumentation Records

SURVEYOR'S EXACT COPY STATEMENT

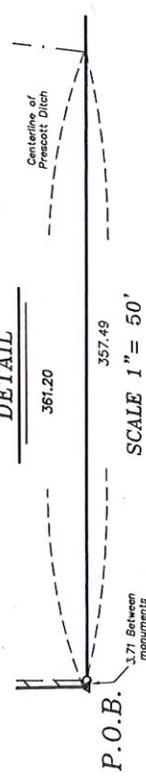
I, Gregory T. Blodman, registered Oregon Surveyor No. 991, do hereby certify that I am the Surveyor who prepared the Partition Plat No. 2001-01 and that the enclosed tracing is an exact copy of said Partition Plat as the same is on file in UNION COUNTY Cabinet Number S140-141 of the Plat Records of UNION COUNTY, and said exact copy is submitted as per O.S.S. 92.070.

Gregory T. Blodman
Gregory T. Blodman, O.R.S. 991

NARRATIVE

This Major Partition was done at the request of Mark Stratton, Teresa Stratton, Kevin and Rhonda Kohr. They wished to partition above described land (Parcel 3 of Minor Partition number 2001-001) into two separate parcels as shown. The North line of the property was established by a recorded boundary line agreement to the existing fence line, see Book 120, page 35 Union County Deed records. The East line of the property is established by the section break of section 19 in Survey number 004-1997, the rest of the exterior was located by Minor Partition 2001-001. A 30 foot access and utility easement to both parcels 1 and 2 is created by this plat. The West 30 feet of parcel 1 and a strip that is 8.62 feet wide on the North and 3.71 feet wide on the South along the West line of Parcel 2, is to be dedicated to the public for the future road location. I find no unusual problems with this survey.

DETAIL



SCALE 1" = 50'

MAJOR PARTITION NO. 2001-001-1

Located in a portion of the East 1/2 of the Southwest 1/4 of Section 19, Township 4 South, Range 40 East of the Willamette Meridian. And being a replat of Parcel 3 of Minor Partition 2001-01.

Microfilm Number 2001-001-1
Plat Cabinet C-146-714

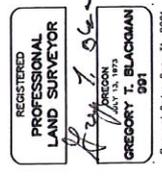
SURVEYOR'S CERTIFICATE

I, Gregory T. Blackman, Registered Professional Land Surveyor, hereby certify that I have surveyed and platted this Major Partition Plat, a portion of the East 1/2 of the Southwest Quarter of Section 19, Township 4 South, Range 40 East of the Willamette Meridian, also being Parcel 3 of Minor Partition 2001-001 the exterior of which being more particularly described as follows:

- Beginning at the Southwest corner of Parcel 3 of Minor Partition number 2001-001;
 - Thence, N 0°32'39" W, a distance of 340.11 feet
 - Thence, N 89°36'00" W, a distance of 21.39 feet to the Southeast corner right of way line of Oregon Street;
 - Thence, N 0°16'54" E, along the East right of way line of Oregon Street, a distance of 25.00 feet to the Southeast Corner of said Oregon Street;
 - Thence, N 0°16'54" E, along said East right of way line of Oregon Street, a distance of 199.86 feet to the South line of Parcel 2 Minor Partition 2001-001;
 - Thence, S 89°36'00" E, along said South line of Parcel 2 Minor Partition 2001-001, a distance of 496.21 feet to the existing centerline of Prescott Ditch;
 - Thence, N 16°30'47" E, along said centerline of Prescott Ditch, a distance of 25.97 feet;
 - Thence, N 19°05'30" E, along said centerline of Prescott Ditch, a distance of 58.69 feet;
 - Thence, N 25°21'36" E, along said centerline of Prescott Ditch, a distance of 132.76 feet to the North line of property which is a boundary line agreement to existing fence line, see Book 120, Page 35 Union County Deed Records;
 - Thence along said existing fence and boundary agreement the following courses;
 - Thence, S 89°13'39" E, a distance of 21.98 feet;
 - Thence, S 89°13'39" E, a distance of 112.00 feet;
 - Thence, S 86°50'00" E, a distance of 122.71 feet;
 - Thence, S 85°34'59" E, a distance of 84.00 feet;
 - Thence, S 89°49'08" E, a distance of 17.25 feet; to the East line of the West 1/2 of the Southwest 1/4 of Section 19;
 - Thence, S 0°24'52" E, leaving said fence line, and along said East line of said Southwest Quarter, a distance of 750.33 feet;
 - Thence, N 89°47'01" W, a distance of 919.06 feet, to the point of beginning of this description.

Said parcel subject to all easements as they exist or are of record.
Said parcel containing 13.82 acres.
I, further, certify that I made the survey and plat by order of and under the direction of the Oregon Bureau of Land Management, and that the boundary line shown on the attached map, indicated on the annexed map in accordance with the provisions of O.R.S. 92.050 and 92.050.

Gregory T. Blackman
Gregory T. Blackman, OPLS 991
2006 Adams Avenue
LaGrande, Oregon



SURVEYOR'S EXACT COPY STATEMENT

I, Gregory T. Blackman, registered Oregon Surveyor No. 991, do hereby certify that I am the Surveyor who prepared the Partition Plat Notarized and that the annexed tracing is an exact copy of said Partition Plat as the same is on file in UNION COUNTY Cabinet Number C-146-714 of the Plat Records of UNION COUNTY, and said exact copy is submitted as per O.R.S. 92.070.

DECLARATION

Know all people by these presents that Mark Stratton and Teresa Stratton, Kevin Kohr and Rhondie Kohr, owners of the land represented on the annexed map, more particularly described in the accompanying Surveyor's Certificate, and have caused the same to be surveyed and platted as shown on the annexed map, and do hereby create the 30 foot Access and utility easement shown on the annexed map for themselves forever the strip of land lying on the West sides of Parcels 1 and 2 of said Partition, as shown on page 1 of 2 in accordance with O.R.S. Chapter 92.

Mark Stratton
Mark Stratton
Rhondie Kohr
Rhondie Kohr

ACKNOWLEDGMENTS

State of Oregon SS
County of Union
Know all people by these presents, on this 28th day of July, 2004, before me a Notary Public in and for said State and County, personally appeared Mark Stratton and Teresa Stratton, know to me to be the identical person named in the foregoing in the foregoing instrument, and who being duly sworn did say that they executed the same freely and voluntarily.



Deborah Sawley
Notary Public for
the State of Oregon

Notarial Seal

State of Oregon SS
County of Union
Know all people by these presents, on this 28th day of July, 2004, before me a Notary Public in and for said State and County, personally appeared Kevin Kohr and Rhondie Kohr, know to me to be the identical person named in the foregoing in the foregoing instrument, and who being duly sworn did say that they executed the same freely and voluntarily.



Deborah Sawley
Notary Public for
the State of Oregon

Notarial Seal

APPROVALS

Union County Commission

Approved this 28th day of August, 2004

Colleen MacLeod
Colleen MacLeod
Steve McClure
Steve McClure
John E. Lemaree
John E. Lemaree

APPROVALS

Union County Surveyor

Examined and recommended for approval as per O.R.S. Chapter 92 this 27th day of July, 2004
by Wallowa County Surveyor *Jack W. Burris*
Jack W. Burris

City of Union

Approved this 28th day of July, 2004
by Mayor *David A. Dome*
David A. Dome
Mayor City of Union

Approved this 28th day of July, 2004

Janeen Lowery
Janeen Lowery
City Recorder

Approved this 28th day of July, 2004

Jack Zimmerman
Jack Zimmerman
Interim Administrator City of Union

Union County Assessor / Tax Collector

I hereby certify that pursuant to O.R.S. 92.095, all ad valorem taxes and all special assessments, fees and other charges required by law to be placed upon the 2004-2005 tax roll which became a lien on the land within this partition, or will become a lien during the tax year but not certified to the tax collector for collection have been paid.

by *Patty Gooden*
Patty Gooden
Date: 7/29/04
Patty Gooden, Union County Assessor/Tax Collector

FILING STATEMENT

Union County Clerk

State of Oregon SS
County of Union

I do hereby certify that the attached partition plat was received for recording on the 27th day of August, 2004 at 10:00 a.m. o'clock P.M., and recorded in Plat Cabinet No. C-146-714 of the Union County records. Microfilm Number 2001-001-1

R. Nellie Bogue Hibbert
R. Nellie Bogue Hibbert
Union County Clerk, by *Gregory T. Blackman*

MINOR PARTITION NO. 200500151

Located in a portion of the East 1/2 of the Southwest 1/4 of Section 19, Township 4 South, Range 40 East of the Willamette Meridian. And being a replat of Parcel 2 of Major Partition 200400111.

Microfilm Number 200502251
Plat Cabinet Number C-144-195

BASIS OF BEARING

Solar observation taken at the Northwest corner of Section 19, Township 4 South, Range 40 East of the Willamette Meridian.

SCALE: 1"=100'

REFERENCE MATERIAL

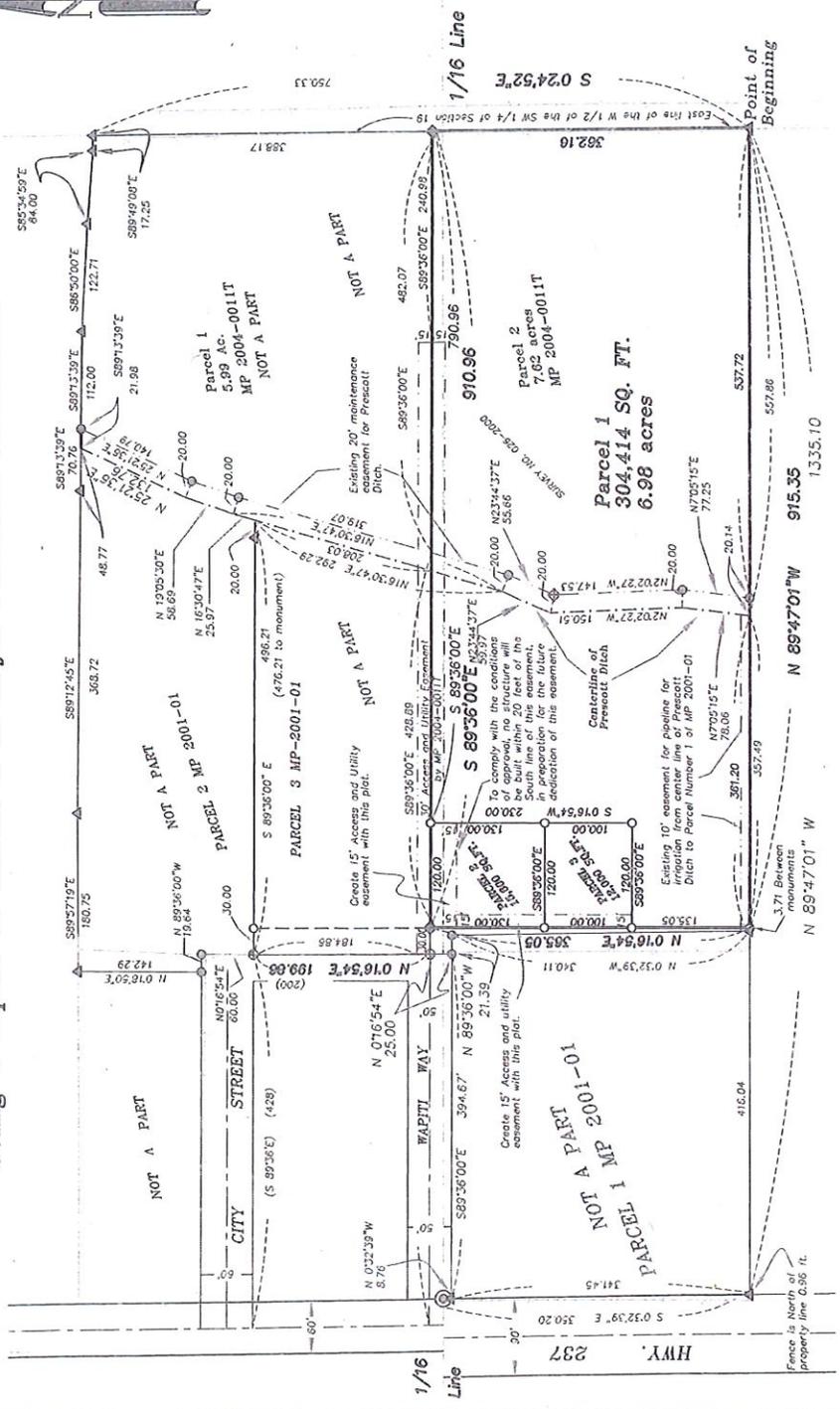
- MF # 68159 MF # 990770
 - MF # 105171 MF # 42567
 - MF # 105174 MF # 105173
 - MF # 101533 MF # 91491
 - MF # 108128 MF # 45497
 - MF # 993512 MF # 20043147
- Book No. 120 Page 35
Survey No. 28-81
Survey No. 004-1997
Survey No. 028-2000
Minor Partition Plat No. 2001-01
Major Partition Plat No. 2004-00111
Abstract & Title Company Reports 44119
Union County Remuneration Records

Note: A quitclaim deed for utility has been filed with the City of Union to grant the City of Union the sewer and water mainlines that are located within the utility easements. The document is not filed with the County Clerk, but was granted by Kevin Kohr, Rhondie Kohr, Teresa Stratton and Mark Stratton. The document is dated November 2, 2005, and was received by the City of Union November 3, 2005.

LEGEND

- Found 3 1/2" x 30" copper clad monument, set by Survey Number 032-1999.
- Found 5/8" iron pin with yellow plastic cap marked "BGS SURVEY MARKER", set by Minor Partition 2001-01.
- Found 5/8" rebar set by Survey number 29-01.
- Found 5/8" iron pin with yellow cap marked "BGS SURVEY MARKER", set by Survey number 036-2000.
- Found brass plaque marked "BGS 991" in top of rock, set by Minor Partition number 2001-01.
- Found 5/8" x 30" iron rebar with yellow cap marked "BGS SURVEY MARKER".

- Centerline of street
- Centerline of PRESCOTT DITCH
- Easement line
- Existing fence line
- 1/16" Line
- Record bearing or distance.



NARRATIVE

This Minor Partition was ordered by Mark and Teresa Stratton. They wished to partition the existing Parcel 2 of Major Partition 2004-00111 into two separate parcels. The exterior was established by Major Partition 2004-00111. A 15 foot access and utility easement is created with this plat. I find no unusual problems with this partition.

SURVEYOR'S EXACT COPY STATEMENT

I, Gregory T. Blackman, registered Oregon Surveyor No. 991, do hereby certify that I am the Surveyor who prepared the Partition Plat No. 200500151 and that the annexed tracing is an exact copy of said Partition Plat as the same is on file in the UNION COUNTY Cabinet Number 2005-00151-001 of the Plat Records of UNION COUNTY, and said exact copy is submitted as per O.R.S. 92.128.

REGISTERED PROFESSIONAL LAND SURVEYOR

GREGORY T. BLACKMAN
991

Gregory T. Blackman, OPLS 991

Renewed Date: Dec. 31, 2005

MINOR PARTITION NO. 2005-00151

Located in a portion of the East 1/2 of the Southwest 1/4 of Section 19, Township 4 South, Range 40 East of the Willamette Meridian. And being a replat of Parcel 2 of Major Partition 20040011T.

Microfilm Number 2005-00151
Plat Cabinet C-194-195

SURVEYOR'S CERTIFICATE

I, Gregory T. Blackman, Registered Professional Land Surveyor, hereby certify that I have surveyed and platting this Minor Partition Plat, a partition situated in a portion of the East 1/2 of the Southwest Quarter of Section 19, Township 4 South, Range 40 East of the Willamette Meridian, also being Parcel 2 of Major Partition 20040011T, the exterior of which being more particularly described as follows:

Beginning at the Southeast corner of Parcel 2 of Major Partition number 20040011T;

Thence: N 89°47'01" W, a distance of 915.35 feet

Thence: N 07°16'54" E, a distance of 365.05 feet to the South line of Parcel 1 of said Major Partition number 20040011T;

Thence: S 89°35'00" E, along said south line of Parcel 1, a distance of 910.86 feet;

Thence: S 07°24'52" E, a distance of 362.16 to the point of beginning.

Said parcel containing 7.62 acres.

I further certify that I made the survey and plat by order of and under authority of the State of Oregon, and that the monuments and boundary corners are marked with monuments as indicated on the annexed map in accordance with the provisions of O.R.S. 92.050 and 92.060.

Gregory T. Blackman
Gregory T. Blackman, OPLS 991
Boggett-Griffith & Blackman
2005 Adams Avenue
LaGrande, Oregon



Renewed Date: Dec. 31, 2005

DECLARATION

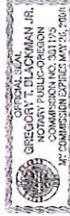
Know all people by these presents that Mark Stratton and Teresa Stratton, owners of the land represented on the annexed map, more particularly described in the accompanying Surveyor's Certificate, and have caused the same to be surveyed and platted as shown on the annexed map, and do hereby create the same and certify its validity according to Parcels 2 and 3 in accordance with O.R.S. Chapter 92.

Mark Stratton
Mark Stratton
Teresa Stratton
Teresa Stratton

ACKNOWLEDGMENTS

State of Oregon SS
County of Union

I know all people by these presents, on this 7th day of December, 2005, before me a Notary Public in and for said State and County, personally appeared Mark Stratton and Teresa Stratton, know me to be the identical persons named in the foregoing instrument, and who being duly sworn did say that they executed the same freely and voluntarily.



Gregory T. Blackman
Notary Public for
the State of Oregon

Notarial Seal

SURVEYOR'S EXACT COPY STATEMENT

I, Gregory T. Blackman, registered Oregon Surveyor No. 991, do hereby certify that I am the Surveyor who prepared the Partition Plat No. 2005-00151 and that the annexed tracing is an exact copy of said Partition Plat as the same is on file in UNION COUNTY Cabinet Number C-194-195, of the Plat Records of UNION COUNTY, and said exact copy is submitted as per O.R.S. 92.120.

Gregory T. Blackman
Gregory T. Blackman, OPLS 991

APPROVALS

Union County Surveyor
Examined and recommended for approval as per O.R.S.
Chapter 92 this 21st day of November, 2005

by Wallawa County Surveyor *Jock W. Burris*
Jock W. Burris

City of Union
Approved this 14th day of November, 2005

Michael Clark
Mayor City of Union

Approved this 14th day of November, 2005

Janeen Lowery
Janeen Lowery
City Recorder

Union County Assessor / Tax Collector

I hereby certify that pursuant to O.R.S. 92.095, all ad valorem taxes and all special assessments, fees and other charges required by law to be placed upon the 2005-2006 tax roll which became a lien on the land within this partition, or will become a lien during the tax year but not certified to the tax collector for collection have been paid.

by *Linda L. Hill* Date 11/19/05
Linda L. Hill, Union County Assessor/Tax Collector

FILING STATEMENT

Union County Clerk
State of Oregon SS
County of Union

I do hereby certify that the attached partition plat was received for record on the 21st day of November, 2005, O.R.S. 92.125, 0'clock P.M., and recorded in Plat Cabinet No. C-194-195, Union County records. Microfilm Number C-194-195

R. Nellie Bogue Hibbert,
Union County Clerk, by *R. Nellie Bogue Hibbert*

City of Union Planning Department

**REPORT AND RECOMMENDATION
For MINOR PARTITION MnP-04-02**

STAFF REPORT DATE: June 1, 2004

REPORT PREPARED BY: Bill Searles, City Administrator

I. GENERAL INFORMATION AND FACTS

Applicants: Mark & Teresa Stratton
501 Lincoln Street
Union, OR 97883

Property Owners: Mark & Teresa Stratton (purchasing)
501 Lincoln Street
Union, OR 97883

Land Use Review: Minor Partition

Property Description: Tax lot 506 in Section 19, Township 4 South,
Range 40 East W.M.

Location/Address: End of W. Oregon Street (behind First Baptist
Church)

Zone: Residential (R-1)

Applicable Overlay Zone(s): None

Current Land Use(s): Vacant

II. NATURE OF THE REQUEST

This request specifically seeks to partition an existing 13.82± acre parcel in the Residential (R-1) Zone into two parcels of 6.13 acres and 7.68 acres in size that are capable of being served by an existing street for access. Both proposed parcels are currently vacant, but one single-family dwelling and accessory buildings are planned for each parcel after partitioning is complete. The subject property is located a relatively short distance to the south of a 45-lot subdivision that was granted preliminary subdivision approval in April 2004 by the Planning Commission.

III. APPLICABLE STATE; COMPREHENSIVE PLAN; ORDINANCE PROVISIONS

ORS chapter 92 sets forth the statutory requirements for partitioning and subdividing lands within the State of Oregon. Ordinance #418, 'Partition and Subdivision Ordinance' for the City of Union generally implements these statutory requirements.

The City of Union Comprehensive Plan, through its Transportation System Plan (TSP), identifies that a future collector street is planned to extend along the south boundary of the subject property from Main Street to the east edge of the property. The proposed partition will be required to comply with applicable plan provisions related to the TSP.

The zoning provisions contained in Ordinance #337 provide additional criteria and/or standards such as minimum requirements for lot size and street frontage.

Sections VIII and VI of the City of Union Partition and Subdivision Ordinance contains the applicable review criteria and procedures to obtain tentative plat approval for a partition or subdivision. Generally, unless otherwise noted, if a request is found to be consistent with the applicable zoning and subdivision ordinances, it is considered to be consistent with the Comprehensive Plan. An analysis of the applicable standards and other requirements is provided in Section IV of this report.

IV. ANALYSIS

A. City of Union Zoning Ordinance (#337) Requirements and Standards

Zoning requirements are addressed under Section IV(B)(2)(A) of this report.

B. City of Union Subdivision Ordinance (#418) Requirements and Standards identifies the requirements for a tentative partition plat and describes the procedures for approval. Applicable requirements are reviewed below.

1. Section VIII Tentative Plan Requirements This section lists all of the information required to be shown on a tentative plat, and related information.

Findings: The tentative partition plat submitted by the applicants contains all of the information required by this section.

Conclusion: The tentative partition plat contains all of the required information in order to allow for adequate review of the proposed partition. The applicant will also need to follow required procedures, and to comply with all conditions of approval, in order to obtain final partition plat approval.

2. **Section VI Application Procedure (2A)** contains the criteria that a request to partition land must comply with in order to be approved. Analysis of these criteria is as follows.

A) *The proposal is in accord with the area land use plan and zoning requirements.*

Findings: The subject property is approximately 13.82 acres in size and is located in the Residential (R-1) Zone. The applicants/purchasers are proposing to partition the property to create Parcel 1 as a 6.13-acre parcel and Parcel 2 as a 7.68-acre parcel. Both proposed parcels will have access from the end of W. Oregon Street, which is a city street. In addition, Parcel 1 will have frontage along a half-street located between the proposed parcel and the property occupied by the First Baptist Church. The minimum lot or parcel size in the R-1 Zone is 7,500 square feet for single-family dwellings.

The development standards for streets, water, sewer and similar provisions are contained under Section X of the Subdivision Ordinance, #418. Among the provisions of this section are requirements to provide for the future extension of existing and/or planned streets, and provisions that require the property owner/developer to be responsible for the cost of extending sewer, water, electrical and other utility services to the property line of each new parcel in compliance with city standards for installing such services. In order to allow for utility extensions, provisions must be provided, either within a public right-of-way, or easements created specifically for these purposes. Sewer, water, and electricity are currently available from the existing city street bordering the proposed parcels.

The subject property is located approximately 200 feet south of an area that recently received preliminary plat approval for a 45-lot subdivision, to which conditions were attached to ensure that a north-south street extension, part of which is intended to run along the west boundary of the subject property to connect with the subdivision, will provide a parallel route to Main Street in the southeast area of the city. Dedication of a portion of the subject property is necessary in order to provide for the extension of this street, and can be met as a condition of approval.

The Transportation System Plan (TSP) is part of the City's Comprehensive Land Use Plan. The TSP identifies a planned future collector street running in an east-west direction along the south boundary of the property and extending through the adjacent property to the west of the subject property to Main Street. Policy #3 under Goal 12 'Transportation' states in part,

The function of existing and planned roadways as identified in the adopted Transportation System Plan shall be protected through the application of appropriate access control measures. The function of existing and planned roadways or roadway corridors shall be protected through the application of appropriate land use regulations. . . This will include exactions, voluntary dedication, setbacks, or other appropriate means.

Section XI (K) of the Partition and Subdivision Ordinance specifies that, for tracts of land that are partitioned or subdivided into lots or parcels larger than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further partitioning or subdividing. Future development on proposed Parcel 2 could hinder or prevent the planned street along the south boundary of the property from being able to develop as identified in the Transportation System Plan. Both the planned street along the south boundary of the property, and the 30-foot easement could be extended to connect with a planned subdivision on property adjacent to the east of the subject property. The applicants' tentative plat indicates that a proposed accessory building would be within 35 feet of the south boundary of Parcel 2 and could prevent the full extension of the planned collector street, and that an accessory building would be located within 14 feet of the south boundary of Parcel 1.

Conclusions: The proposed parcel sizes will greatly exceed the minimum parcel size of 7,500 square feet required for the R-1 Zone.

Access, and utility services are existing and available from within the public right-of-way of W. Oregon Street, as well as from the short half-street that is located between Parcel 1 and the First Baptist Church property. System development charges will be required to be paid in order to connect new development on each parcel to the water and sewer lines.

Given the size of the subject property, the City must consider the further development potential of the parcels, and ensure that the future development potential of the property will be capable of having reasonable access to streets and public services. Toward this end, it is reasonable to require the portion along the west boundary of both parcels that is expected to contribute to the formation of a north-south street, as identified in the findings above, to be publicly dedicated as part of the final plat. The 30-foot wide easement that extends from the end of W. Oregon Street is also expected to provide access to future lots or parcels within a standard 60-foot street right-of-way. As indicated in the findings above, such a street could be extended to connect with a planned subdivision on property adjacent to the east of the subject property to improve traffic circulation within this largely under-developed part of the city. A condition of approval that prevents development of buildings or other permanent structures within 30 feet on either side of the new property boundary separating Parcel 1 and Parcel 2 would ensure the complete extension of W. Oregon Street in the future.

The proposed partition is also capable of allowing for the full 60-foot right-of-way width for the planned street along the south boundary of Parcel 2. Given the nature of the applicants' request, the proposed partition does not warrant requiring dedication of the planned street at this time. However, in order to ensure that the planned street along the south boundary of Parcel 2 can occur, it is necessary as a condition of approval, to not allow any type of development within the 60-foot wide area along the south boundary of

Parcel 2 that could prevent the planned street. Future partitioning or subdivision of Parcel 2 may require dedication of this area to accommodate the planned street.

- B) *Is suitable for partitioning or subdividing and does not materially alter the stability of the overall land use pattern of the area, not initiate or encourage a pattern of development incompatible with existing area uses.*

In determining suitability, the following policies shall be recognized:

- (i) That access and provisions for water supply, sewage disposal, school capacity, surveying, and possible other requirements must be satisfied;*
- (ii) That the development will not adversely affect the economic and social conditions and other characteristics which make the City desirable in which to live;*
- (iii) That the proposal is consistent with the need to minimize flood damage.*

Findings: Both of the proposed parcels will exceed the minimum parcel size of 7,500 square feet for the R-1 Zone. Access to each parcel is available from the end of W. Oregon Street, which is an existing public street. A portion of the end of W. Oregon Street is currently undeveloped and will need to be improved to City standards for a local street. The applicants/purchasers cooperation in helping to lay out a partition plan that is favorable to the future development of the area, through dedication of utilities that can serve additional properties, and areas for street rights-of-way, and compliance with setbacks and other conditions of approval, provides justification for the City to improve the end of W. Oregon Street up to the west boundary of the subject property.

Water, sewer and other utilities are also currently available from within the existing street right-of-way of W. Oregon Street, or the short, undeveloped half-street between Parcel 1 and the First Baptist Church property. The applicants are proposing to extend both water and sewer from the end of W. Oregon Street to the planned dwellings via a 30-foot easement, of which 15 feet is proposed along each side of the new property boundary that will separate the two parcels. The water and sewer lines will be sized to provide additional capacity for future partitioning or subdivision of both parcels. In order for the water and sewer lines to legally serve more than one dwelling, the lines must be installed to city standards, and be owned and maintained by the City. In order for the City to own and maintain the water and sewer lines, an easement to access and maintain the utilities is needed. This requirement is met by the 30-foot easement shown on the tentative plat. However, the City will not be responsible for maintaining the road beyond the end of W. Oregon Street, at least until such time that it meets city standards, and is dedicated and accepted by the City for public use. Water, sewer, and other utilities will be installed underneath the Prescott Ditch, and need to be coordinated with the Prescott Ditch Co.

The uses proposed at this time are one single-family dwelling on each proposed parcel, together with accessory uses. The R-1 Zone is intended specifically to accommodate for existing and new residential uses, which is the primary characteristic of the adjacent and surrounding neighborhood. The property owner will have each parcel surveyed as required under ORS chapter 92.

The requirements of the zoning and subdivision ordinances, and the policies contained in the comprehensive land use plan are designed to preserve or enhance the economic and social conditions and other characteristics that make the City of Union a desirable place to live. Therefore, if the proposal is found to be in compliance with the comprehensive land use plan and its implementing ordinances as discussed under Section IV(B)(2)(A) of this report, unless otherwise noted, the request will not adversely affect the economic and social conditions or other characteristics which make the City of Union a desirable place to live.

The portion of subject property below the Prescott Ditch is located within a Zone 'B' flood zone according to the FEMA flood map of the area, which is an area subject to flooding with average depths of less than one foot. The area above the Prescott Ditch is located within a Zone 'C' flood zone, which is subject to minimal or no flooding.

Conclusions: The subject property is suitable for partitioning given that both of the proposed parcels exceed the minimum lot or parcel size for the zone. The planned land use pattern of the area will be maintained in that the proposal will allow for future the extension of existing and planned streets through the property, provided certain conditions of approval are met. Further partitioning or subdivision of the parcels can reasonably occur considering that the access easement will provide a logical extension for W. Oregon Street, and that water, sewer, and other utilities will be capable of serving additional development in the future.

As the only uses proposed at this time are one single-family dwelling for each parcel, there will be no negative impact to school capacity. The area is capable of being surveyed with little or no difficulty. The Zone 'C' flood zone designation does not require any special provisions to minimize flood damage. Areas within the Zone 'B' flood zone are typically addressed at the time actual building construction occurs, and includes such measures as ensuring that structures meet certain elevation or structural requirements to avoid or minimize flood damage.

V. SUMMARY CONCLUSIONS AND STAFF RECOMMENDATION

The applicants submitted all of the necessary information required to adequately review the proposed tentative partition. The applicants have either demonstrated that the tentative

plat is in conformance with all of the applicable standards of the City of Union's zoning and subdivision ordinances and the comprehensive land use plan, or is capable of meeting the standards through appropriate conditions of approval.

Therefore, based on the information in Sections I, II and III of this report, and the above review criteria, findings of fact, and conclusions contained in Section IV, Staff recommends this request, MnP-04-02, for tentative partition plat approval of property in the R-1 Zone, be approved, subject to the conditions contained in Section VI of this report.

VI. CONDITIONS OF APPROVAL

1. Final Plat approval must be obtained within one year from the date of this approval. The Final Plat map must be prepared by an Oregon Registered Professional Land Surveyor, and recorded with the County Clerk's office within 30 days after all approval signatures have been obtained.
2. The west 30 feet of Parcel 1 shall be publicly dedicated for street right-of-way purposes. The narrow strip ranging from 8.68 feet wide to 11.41 feet wide along the west boundary of Parcel 2 shall also be dedicated for street right-of-way purposes. The owners of Parcel 1 and Parcel 2 may continue to use and maintain these areas for livestock or similar use, until such time that the City determines they are needed for street improvement purposes.
3. There shall be no buildings or other permanent structures allowed within 30 feet of the property line separating Parcel 1 and Parcel 2, in order to allow for the future extension of W. Oregon Street to the adjacent property to the east that is planned for future subdivision.
4. There shall be no buildings or other permanent structures within 60 feet of the south boundary of Parcel 2, in order to ensure the full extension of the planned street identified in the City's Transportation System Plan to the adjacent property to the east that is planned for future subdivision.
5. The applicants/property owners shall install the water and sewer lines to the City's standards. The City must inspect the installation of the lines for compliance with these standards and must perform all system checks, and follow procedures to disinfect the water line prior to burying the lines. The applicants/purchasers must coordinate with the Prescott Ditch Company during the installation of utilities underneath the ditch.
6. The applicants/property owners shall dedicate the water and sewer lines to the City, and shall provide a blanket easement for access to, and maintenance of the water and sewer lines, and other utilities. The easement, as shown on the tentative plat shall allow for

access over Parcel 1 to the benefit of Parcel 2, and for access across Parcel 2 for the benefit of Parcel 1.

7. The applicants/property owners understand that the City will not maintain the access easement until such time that the road has been improved to City standards and has been dedicated to public use and accepted by the City.
8. The access easement shall be improved to minimum fire code standards to allow for passage of a fire truck during inclement weather. The applicants/purchasers are encouraged to improve the easement road width, base and leveling course to the City's standards for a local street.
9. A fire hydrant shall be installed on the east side of the Prescott Ditch to provide fire protection for planned residences and accessory structures.
10. The applicants and/or property owners shall obtain all required local, state or federal permits for any new construction on the parcels.

VII. EXHIBITS (Included as part of this report).

Exhibit "A" Assessor's map of the area
Exhibit "B" Applicant's Tentative Partition Plat

cc: Applicant/Property Owner
Office File

*This is your permit.
Please retain for
your records.*

City of Union Planning Commission

**REPORT AND DECISION
For MINOR PARTITION MnP-04-02**

DATE OF HEARING: June 9, 2004

REPORT PREPARED BY: Bill Searles, City Administrator

I. GENERAL INFORMATION AND FACTS

Applicants: Mark & Teresa Stratton
501 Lincoln Street
Union, OR 97883

Property Owners: Mark & Teresa Stratton (purchasing)
501 Lincoln Street
Union, OR 97883

Land Use Review: Minor Partition

Property Description: Tax lot 506 in Section 19, Township 4 South,
Range 40 East W.M.

Location/Address: End of E. Oregon Street (behind First Baptist
Church)

Zone: Residential (R-1)

Applicable Overlay Zone(s): None

Current Land Use(s): Vacant

II. NATURE OF THE REQUEST

This request specifically seeks to partition an existing 13.82± acre parcel in the Residential (R-1) Zone into two parcels of 6.13 acres and 7.68 acres in size that are capable of being served by an existing street for access. Both proposed parcels are currently vacant, but one single-family dwelling and accessory buildings are planned for each parcel after partitioning is complete. The subject property is located a relatively short distance to the south of a 45-lot subdivision that was granted preliminary subdivision approval in April 2004 by the Planning Commission.

III. APPLICABLE STATE; COMPREHENSIVE PLAN; ORDINANCE PROVISIONS

ORS chapter 92 sets forth the statutory requirements for partitioning and subdividing lands within the State of Oregon. Ordinance #418, 'Partition and Subdivision Ordinance' for the City of Union generally implements these statutory requirements.

The City of Union Comprehensive Plan, through its Transportation System Plan (TSP), identifies that a future collector street is planned to extend along the south boundary of the subject property from Main Street to the east edge of the property. The proposed partition will be required to comply with applicable plan provisions related to the TSP.

The zoning provisions contained in Ordinance #337 provide additional criteria and/or standards such as minimum requirements for lot size and street frontage.

Sections VIII and VI of the City of Union Partition and Subdivision Ordinance contains the applicable review criteria and procedures to obtain tentative plat approval for a partition or subdivision. Generally, unless otherwise noted, if a request is found to be consistent with the applicable zoning and subdivision ordinances, it is considered to be consistent with the Comprehensive Plan. An analysis of the applicable standards and other requirements is provided in Section IV of this report.

IV. ANALYSIS

A. City of Union Zoning Ordinance (#337) Requirements and Standards

Zoning requirements are addressed under Section IV(B)(2)(A) of this report.

B. City of Union Subdivision Ordinance (#418) Requirements and Standards identifies the requirements for a tentative partition plat and describes the procedures for approval. Applicable requirements are reviewed below.

1. Section VIII Tentative Plan Requirements This section lists all of the information required to be shown on a tentative plat, and related information.

Findings: The tentative partition plat submitted by the applicants contains all of the information required by this section.

Conclusion: The tentative partition plat contains all of the required information in order to allow for adequate review of the proposed partition. The applicant will also need to follow required procedures, and to comply with all conditions of approval, in order to obtain final partition plat approval.

2. Section VI Application Procedure (2A) contains the criteria that a request to partition land must comply with in order to be approved. Analysis of these criteria is as follows.

A) *The proposal is in accord with the area land use plan and zoning requirements.*

Findings: The subject property is approximately 13.82 acres in size and is located in the Residential (R-1) Zone. The applicants/purchasers are proposing to partition the property to create Parcel 1 as a 6.13-acre parcel and Parcel 2 as a 7.68-acre parcel. Both proposed parcels will have access from the end of E. Oregon Street, which is a city street. In addition, Parcel 1 will have frontage along a half-street located between the proposed parcel and the property occupied by the First Baptist Church. The minimum lot or parcel size in the R-1 Zone is 7,500 square feet for single-family dwellings.

The development standards for streets, water, sewer and similar provisions are contained under Section X of the Subdivision Ordinance, #418. Among the provisions of this section are requirements to provide for the future extension of existing and/or planned streets, and provisions that require the property owner/developer to be responsible for the cost of extending sewer, water, electrical and other utility services to the property line of each new parcel in compliance with city standards for installing such services. In order to allow for utility extensions, provisions must be provided, either within a public right-of-way, or easements created specifically for these purposes. Sewer, water, and electricity are currently available from the existing city street bordering the proposed parcels.

The subject property is located approximately 200 feet south of an area that recently received preliminary plat approval for a 45-lot subdivision, to which conditions were attached to ensure that a north-south street extension, part of which is intended to run along the west boundary of the subject property to connect with the subdivision, will provide a parallel route to Main Street in the southeast area of the city. Dedication of a portion of the subject property is necessary in order to provide for the extension of this street, and can be met as a condition of approval.

The Transportation System Plan (TSP) is part of the City's Comprehensive Land Use Plan. The TSP identifies a planned future collector street running in an east-west direction along the south boundary of the property and extending through the adjacent property to the west of the subject property to Main Street. Policy #3 under Goal 12 'Transportation' states in part,

The function of existing and planned roadways as identified in the adopted Transportation System Plan shall be protected through the application of appropriate access control measures. The function of existing and planned roadways or roadway corridors shall be protected through the application of appropriate land use regulations. . . This will include exactions, voluntary dedication, setbacks, or other appropriate means.

Section XI (K) of the Partition and Subdivision Ordinance specifies that, for tracts of land that are partitioned or subdivided into lots or parcels larger than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further partitioning or subdividing. Future development on proposed Parcel 2 could hinder or prevent the planned street along the south boundary of the property from being able to develop as identified in the Transportation System Plan. Both the planned street along the south boundary of the property, and the 30-foot easement could be extended to connect with a planned subdivision on property adjacent to the east of the subject property. The applicants' tentative plat indicates that a proposed accessory building would be within 35 feet of the south boundary of Parcel 2 and could prevent the full extension of the planned collector street, and that an accessory building would be located within 14 feet of the south boundary of Parcel 1.

Conclusions: The proposed parcel sizes will greatly exceed the minimum parcel size of 7,500 square feet required for the R-1 Zone.

Access, and utility services are existing and available from within the public right-of-way of E. Oregon Street, as well as from the short half-street that is located between Parcel 1 and the First Baptist Church property. System development charges will be required to be paid in order to connect new development on each parcel to the water and sewer lines.

Given the size of the subject property, the City must consider the further development potential of the parcels, and ensure that the future development potential of the property will be capable of having reasonable access to streets and public services. Toward this end, it is reasonable to require the portion along the west boundary of both parcels that is expected to contribute to the formation of a north-south street, as identified in the findings above, to be publicly dedicated as part of the final plat. The 30-foot wide easement that extends from the end of E. Oregon Street is also expected to provide access to future lots or parcels within a standard 60-foot street right-of-way. As indicated in the findings above, such a street could be extended to connect with a planned subdivision on property adjacent to the east of the subject property to improve traffic circulation within this largely under-developed part of the city. A condition of approval that prevents development of buildings or other permanent structures within 50 feet on either side of the new property boundary separating Parcel 1 and Parcel 2 would ensure the complete extension of E. Oregon Street in the future, while maintaining setback requirements when the area for the street is dedicated.

The proposed partition is also capable of allowing for the full 60-foot right-of-way width for the planned street along the south boundary of Parcel 2. However, the Planning Commission believes that only 30 feet of the planned 60-foot right-of-way should come from Parcel 2, with the remaining 30 feet coming from the adjacent property to the south (tax lot 700). Given the nature of the applicants' request, the proposed partition does not

warrant requiring dedication of the planned street at this time. However, in order to ensure that the planned street along the south boundary of Parcel 2 can occur, it is necessary as a condition of approval, to not allow any type of development within 30-feet along the south boundary of Parcel 2 that could prevent the planned street, and to limit buildings or other similar structures from being sited within 50-feet of the south boundary of Parcel 2 in order to ensure setback requirements will be maintained when the street is developed. Future partitioning or subdivision of Parcel 2 may require dedication of this area to accommodate the planned street.

B) *Is suitable for partitioning or subdividing and does not materially alter the stability of the overall land use pattern of the area, not initiate or encourage a pattern of development incompatible with existing area uses:*

In determining suitability, the following policies shall be recognized:

- (i) *That access and provisions for water supply, sewage disposal, school capacity, surveying, and possible other requirements must be satisfied;*
- (ii) *That the development will not adversely affect the economic and social conditions and other characteristics which make the City desirable in which to live;*
- (iii) *That the proposal is consistent with the need to minimize flood damage.*

Findings: Both of the proposed parcels will exceed the minimum parcel size of 7,500 square feet for the R-1 Zone. Access to each parcel is available from the end of E. Oregon Street, which is an existing public street. A portion of the end of E. Oregon Street is currently undeveloped and will need to be improved to City standards for a local street. The applicants/purchasers cooperation in helping to lay out a partition plan that is favorable to the future development of the area, through dedication of utilities that can serve additional properties, and areas for street rights-of-way, and compliance with setbacks and other conditions of approval, provides justification for the City to improve the end of E. Oregon Street up to the west boundary of the subject property.

Water, sewer and other utilities are also currently available from within the existing street right-of-way of E. Oregon Street, or the short, undeveloped half-street between Parcel 1 and the First Baptist Church property. The applicants are proposing to extend both water and sewer from the end of E. Oregon Street to the planned dwellings via a 30-foot easement, of which 15 feet is proposed along each side of the new property boundary that will separate the two parcels. The water and sewer lines will be sized to provide additional capacity for future partitioning or subdivision of both parcels. In order for the water and sewer lines to legally serve more than one dwelling, the lines must be installed to city standards, and be owned and maintained by the City. In order for the City to own

and maintain the water and sewer lines, an easement to access and maintain the utilities is needed. This requirement is met by the 30-foot easement shown on the tentative plat. However, the City will not be responsible for maintaining the road beyond the end of E. Oregon Street, at least until such time that it meets city standards, and is dedicated and accepted by the City for public use. Water, sewer, and other utilities will be installed underneath the Prescott Ditch, and need to be coordinated with the Prescott Ditch Co.

The uses proposed at this time are one single-family dwelling on each proposed parcel, together with accessory uses. The R-1 Zone is intended specifically to accommodate for existing and new residential uses, which is the primary characteristic of the adjacent and surrounding neighborhood. The property owner will have each parcel surveyed as required under ORS chapter 92.

The requirements of the zoning and subdivision ordinances, and the policies contained in the comprehensive land use plan are designed to preserve or enhance the economic and social conditions and other characteristics that make the City of Union a desirable place to live. Therefore, if the proposal is found to be in compliance with the comprehensive land use plan and its implementing ordinances as discussed under Section IV(B)(2)(A) of this report, unless otherwise noted, the request will not adversely affect the economic and social conditions or other characteristics which make the City of Union a desirable place to live.

The portion of subject property below the Prescott Ditch is located within a Zone 'B' flood zone according to the FEMA flood map of the area, which is an area subject to flooding with average depths of less than one foot. The area above the Prescott Ditch is located within a Zone 'C' flood zone, which is subject to minimal or no flooding.

Conclusions: The subject property is suitable for partitioning given that both of the proposed parcels exceed the minimum lot or parcel size for the zone. The planned land use pattern of the area will be maintained in that the proposal will allow for future the extension of existing and planned streets through the property, provided certain conditions of approval are met. Further partitioning or subdivision of the parcels can reasonably occur considering that the access easement will provide a logical extension for E. Oregon Street, and that water, sewer, and other utilities will be capable of serving additional development in the future.

As the only uses proposed at this time are one single-family dwelling for each parcel, there will be no negative impact to school capacity. The area is capable of being surveyed with little or no difficulty. The Zone 'C' flood zone designation does not require any special provisions to minimize flood damage. Areas within the Zone 'B' flood zone are typically addressed at the time actual building construction occurs, and includes such measures as ensuring that structures meet certain elevation or structural requirements to avoid or minimize flood damage.

V. SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

The applicants submitted all of the necessary information required to adequately review the proposed tentative partition. The applicants have either demonstrated that the tentative plat is in conformance with all of the applicable standards of the City of Union's zoning and subdivision ordinances and the comprehensive land use plan, or is capable of meeting the standards through appropriate conditions of approval.

Therefore, based on the information in Sections I, II and III of this report, and the above review criteria, findings of fact, and conclusions contained in Section IV, the Planning Commission approves this request, MnP-04-02, for tentative partition plat approval of property in the R-1 Zone, subject to the conditions contained in Section VI of this report.

VI. CONDITIONS OF APPROVAL

1. Final Plat approval must be obtained within one year from the date of this approval. The Final Plat map must be prepared by an Oregon Registered Professional Land Surveyor, and recorded with the County Clerk's office within 30 days after all approval signatures have been obtained.
2. The west 30 feet of Parcel 1 shall be publicly dedicated for street right-of-way purposes. The narrow strip ranging from 8.68 feet wide to 11.41 feet wide along the west boundary of Parcel 2 shall also be dedicated for street right-of-way purposes. The owners of Parcel 1 and Parcel 2 may continue to use and maintain these areas for livestock or similar use, until such time that the City determines they are needed for street improvement purposes.
3. There shall be no buildings or other permanent structures allowed within 50 feet of the property line separating Parcel 1 and Parcel 2, in order to allow for the future extension of E. Oregon Street to the adjacent property to the east that is planned for future subdivision.
4. There shall be no buildings or other permanent structures within 50 feet of the south boundary of Parcel 2, in order to ensure the full extension of the planned street identified in the City's Transportation System Plan to the adjacent property to the east that is planned for future subdivision.
5. The applicants/property owners shall install the water and sewer lines to the City's standards. The City must inspect the installation of the lines for compliance with these standards and must perform all system checks, and follow procedures to disinfect the water line prior to burying the lines. The applicants/purchasers must coordinate with the Prescott Ditch Company during the installation of utilities underneath the ditch.

6. The applicants/property owners shall dedicate the water and sewer lines to the City, and shall provide a blanket easement for access to, and maintenance of the water and sewer lines, and other utilities. The easement, as shown on the tentative plat shall allow for access over Parcel 1 to the benefit of Parcel 2, and for access across Parcel 2 for the benefit of Parcel 1.
7. The applicants/property owners understand that the City will not maintain the access easement until such time that the road has been improved to City standards and has been dedicated to public use and accepted by the City.
8. The access easement shall be improved to minimum fire code standards to allow for passage of a fire truck during inclement weather. The applicants/purchasers are encouraged to improve the easement road width, base and leveling course to the City's standards for a local street.
9. A fire hydrant shall be installed on the east side of the Prescott Ditch to provide fire protection for planned residences and accessory structures.
10. The applicants and/or property owners shall obtain all required local, state or federal permits for any new construction on the parcels.

VII. EXHIBITS (Included as part of this report).

Exhibit "A" Assessor's map of the area

Exhibit "B" Applicant's Tentative Partition Plat (included in file for MnP-04-01)

cc: Applicant/Property Owner
Office File

CITY OF UNION, OREGON

PLANNING COMMISSION

City Hall -- 342 S. Main (P.O. Box 529) -- Union, Oregon 97883

Phone 541/562-5197 -- FAX 541/562-5196

TTY 800/735-1232 -- E-mail admin@cityofunion.com



IN THE MATTER OF THE APPLICATION BY)
MARK AND THERESA STRATTON)
FOR A MINOR PARTITION)
IN THE RESIDENTIAL (R) ZONE)
_____)

MnP05-01
FINDINGS, CONCLUSIONS AND
ORDER GRANTING TENTATIVE APPROVAL

The abovementioned matter came before the City of Union Planning Commission for a public hearing 20 April 2005. In attendance were Chairman Louise Weeks (after 7:43 p.m.), Vice-chair Marvin Hamilton, Planning Commission members L. Boettcher, K. Bolen, G. Dudley, and S. Patterson, and City Council liason A. Gordon, along with City Administrator/Planner J. Wrabek (acting as Planning Commission Secretary)

Strattons had applied for a minor partition of a parcel of 7.62 acres at 462 Wapiti Way. The subject property is a rectangular lot measuring 1335.10 ft. east-west and 340.11 north-south. This lot was created by another minor partition (MNP04-02) in 2004, and is "Parcel 2" of that partition. The lot is owned by Mark and Teresa Stratton. A residence is being built by Strattons on the east half of the parcel. The proposed partition would create three lots, two of them 120'x100', the third being the balance of the 7.62-acre parcel.

The subject property is zoned Residential (R) under the Union Zoning Ordinance (Ord. 337, as amended). State law (ORS Chapter 92) sets the statutory requirements for partitioning and subdividing land in Oregon; the Union Partitioning and Subdivision Ordinance (Ord. 481) implements these statutory requirements. The Zoning Ordinance provides additional criteria, and minimum requirements for lot size and street frontage.

The Planning Commission received the staff report (in writing) from City Planner Wrabek, and applicant's statement (oral) from applicants Mark and Teresa Stratton. No oral or written testimony was received in favor of the proposal. Oral testimony in opposition to the proposal was received from Donna Royal, Jesse Reed, and Bill Ricker. Concerns were raised about the pond at the southwest corner of the large lot (used by a third party for irrigation), and when the easement across the north side of the large parcel would have to be developed into a street.

Following the hearing, the Planning Commission, being fully informed of the issues, made the following FINDINGS and CONCLUSIONS:

FINDINGS

1. The subject property is in the Residential zone. The Zoning Ordinance allows the creation of lots of a minimum size of 7,500 sq.ft. with minimum 60 ft. frontage on a City street.
2. The subject property is over 7 acres in size. It is proposed to be divided into 3 lots, two of which are proposed to be 100'x120' in size with access by easements across neighboring property owned by applicants, the remaining lot being the balance of the 7.62-acre parcel.

3. There are no apparent limitations to development of the lot. City water and sewer service is available in the easement running across the north side of the large parcel from the end of Wapiti Way, as are other utilities.

4. The lots have not yet been surveyed by a registered professional surveyor licensed in Oregon, in accordance with the requirements of ORS Chapter 92.

5. None of the proposed lots to be created by this partition has the 60 ft. frontage on a City street required by the Zoning Ordinance. The parcel which is being partitioned itself does not have the 60 ft. road frontage. It has 30 ft. road frontage, by virtue of being at the end of Wapiti Way.

6. The Planning Commission is empowered to grant variances from standards upon findings that (a) exceptional circumstances exist, (b) the applicant is attempting to exercise a property right common to other property owners, (c) the variance will not be detrimental to neighboring property, the neighborhood, or the City in general, and (d) the variance granted is the minimum necessary to alleviate the hardship.

CONCLUSIONS:

1. The applicant submitted sufficient information required to review the proposed partition.

2. The tentative plat is in conformance with the applicable standards of the Union Zoning Ordinance and the Union Partitioning and Subdivision Ordinance, provided a variance is granted from road frontage standards of the Zoning Ordinance.

3. A variance is grantable, the Planning Commission having found that (a) exceptional circumstances exist, (b) the applicant is attempting to exercise a property right common to other property owners, (c) the variance will not be detrimental to neighboring property, the neighborhood, or the City in general, and (d) the variance granted is the minimum necessary to alleviate the hardship.

ORDER

Based on the foregoing findings and conclusions, the Planning Commission APPROVED the tentative plat of the proposed minor partition in modified form, outlined by Chairman Weeks as follows:

With the north line of the upper lot starting 15 ft. south of the center of the driveway, then going 115 ft. south, 120 ft. east, 115 ft. north, and 120 ft. west, creating a 115'x120' lot. Lower lot, located directly south of the upper lot, would be 100 ft. north & south and 120 ft. east & west. Reason for making the upper lot 15 ft. larger north & south is to have in the deed that if the City ever decides to build a street, 15 ft. would be taken off the upper lot for the street. Will be put in the deed to that lot that the 15 ft. cannot be built on; also cannot build within 20 ft. of the 15 ft. 15 ft. wide easement will be dedicated along the west side of both lots; would be dedicated for road if the lower lot and the neighboring lot to the west are developed.

Approval includes the granting of a variance from road frontage standards in the Zoning Ordinance to permit the lots being created to have access by easement rather than having frontage on a City street, with streets to be built later if further development occurs.

MOTION by Hamilton (2d by Boettcher) to approve the proposal with the modifications outlined by Weeks, based on the foregoing findings and conclusions, and to authorize the Chairman to sign the Order, passed 3-0, with Boettcher, Hamilton, Patterson and Dudley all voting aye (Bolen abstained).

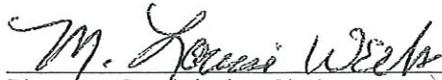
It was emphasized to applicants that approval by the Planning Commission is only the first step in the partitioning process. Once the Planning Commission has given approval of the tentative plat, the applicant has one year in which to submit a final plat conforming to the surveying requirements in ORS 92.050 through 92.080. In addition to those requirements, Section IX of the Partitioning and Subdivision

Ordinance requires the final plat show, among other things, the legal description of the parcels, and be accompanied by supplementary information specified in Section IX(2) including a preliminary title report.

Upon presentation of the required final plat and supplementary information, the City Planner reviews it for completeness, and if complete, transmits the same to the City Council, requesting the Mayor sign the final plat on behalf of the City prior to the applicant receiving approval from the County Surveyor and recording same with the County Clerk. At that point, the partition becomes official.

NOTE: Pursuant to Sec. 7.020 of the Union Zoning Ordinance, any interested citizen or administrative officer of the City may appeal the Planning Commission's decision to the City Council by filing the appropriate forms and paying the appropriate fee within ten (10) days of the date this Order was signed.

DATED this 22 day of June, 2005.



Planning Commission Chair

ATTEST:



Planning Commission Secretary

[JOE'SSTUFF\MnP05-01ORDER]

15-05
RECEIVED
JUL 06 2005
BY:

To whom it may concern,

I have decided to appeal Mn 05-01
after reviewing the findings of the
planning commission. I feel findings
#4 and 5 are in need of further
review.

Thank you.

Jesse & Deena Reed
1725 S. Main
Union, OR
97883
562-5011