



UNION COUNTY
Planning Department

Inga Williams
Planning Director

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FILE No: 2026-0005

STAFF REPORT
CONDITIONAL USE APPLICATION – NON-FARM DWELLING

Purpose of the Application	Gain approval of a single-family dwelling not provided in conjunction with farm use.
Relevant Ordinance Criteria	Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO) Article 4 and Article 2
Property Location	A property located at T01N R39E Section 10C Tax Lots 200, 201, and 202. The situs address is 904 N 15th Ave, Elgin.
Property Owner & Applicant	Tommy & Jaime Higgins and Elijah & Josie Livingston
Zone Designation	Agricultural Forest UC-A3, soils comply with Exclusive Farm Use A-1
Comprehensive Plan Designation	Agricultural
Parcel Size	13.94 acres

I. QUASI-JUDICIAL LAND USE DECISION

A motion to approve or deny includes findings that justify the approval or denial of the application as presented during the public hearing, which may include the application, exhibits, staff report, and testimony. Only findings which support the Planning Commission's motion should be read into the record.

All conditions below must be found to be present to approve this use; the absence of one of these criteria may be used to deny the use:

- The dwelling and associated activities will not force a significant change in or significantly increase the cost of farming practices on nearby lands; and
- The dwelling will be situated on a parcel, or a portion of a parcel, that is generally unsuitable land for all farm and forest uses due to the:
 - terrain,
 - adverse soil or land conditions,
 - drainage and flooding,
 - vegetation,
 - location and size of the parcel,
 - and the parcel cannot reasonably be put to farm or forest use in conjunction with other land; and
- The dwelling will not materially alter the stability of the overall land use pattern of the area as proven by the cumulative impacts analysis.

Motion to Approve

"I move that the Planning Commission approve this Conditional Use application for a dwelling not provided in conjunction with farm use. This motion is based on the following reasons: ...

This motion includes the requirement for the property owners to comply with the conditions of approval, as listed in Section II of the staff report."

Motion to Deny

"I move that the Planning Commission deny this Conditional Use application for a dwelling not provided in conjunction with farm use based on the following reasons: ..."

II. CONDITIONS OF APPROVAL

1. Approval to construct a non-farm dwelling is valid for four years from the date of decision. One two-year extension and five additional one-year extensions may be approved if:
 - (a) The applicant makes a written request for the additional extension prior to the expiration of the extension; and
 - (b) The applicable residential development statute has not been amended following the approval of the permit, except the amendments to ORS 215.750 by Oregon Laws 2019, chapter 433, section 1; and
 - (c) An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.
2. Prior to the Planning Department issuing a zoning approval for a building permit, the property owners shall complete the following items:
 - (a) Per Oregon Revised Statutes 215.236, the property owners shall notify the county assessor that the parcel is no longer being used as farmland and request the county assessor to disqualify the parcel from special assessment. The property owners shall pay any additional tax imposed by the county assessor upon disqualification from special assessment.
 - (b) The property owners shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
 - (c) Return the agricultural exempt building back to hay and equipment storage use only. An inspection will be required by the Planning Director to ensure this has been completed.
3. The dwelling shall not be allowed to connect to sanitary sewer unless the property owners can show that the property meets the conditions of subsections (a) through (h) of OAR 660-011-0060 Sewer Service to Rural Lands, Section (8).

III. BACKGROUND AND ANALYSIS

This parcel consists of three tax lots, shown below. The parcel is a legal parcel created when the City of Elgin approved the Indian Valley Estates subdivision in 2018. That land use action removed approximately 21 acres from Parcel 1 of Partition Plat No. 20060013T to create a 19-lot subdivision¹ located along the east side of this parcel. The parcel that was left, approximately 59 acres, was then

¹ Microfilm Number 20181111T

approved for a lot line adjustment² that adjusted the size of the parcel to 14.96 acres and created the current configuration. It appears that a portion of the 40-foot-wide easement located on the east side of 15th Street was disassociated from this parcel, removing approximately an acre from the total.

Adjacent to the parcel on the west and south is property zoned Rural Residential (R-2). Adjacent to the east is the Indian Valley Estates. Although this land was annexed by the City of Elgin and subsequently subdivided, the City did not expand the Urban Growth Boundary so that area continues to be designated as Agricultural Forest A-3 on the county's zoning map. North of the parcel is A-3 zoned agricultural land.

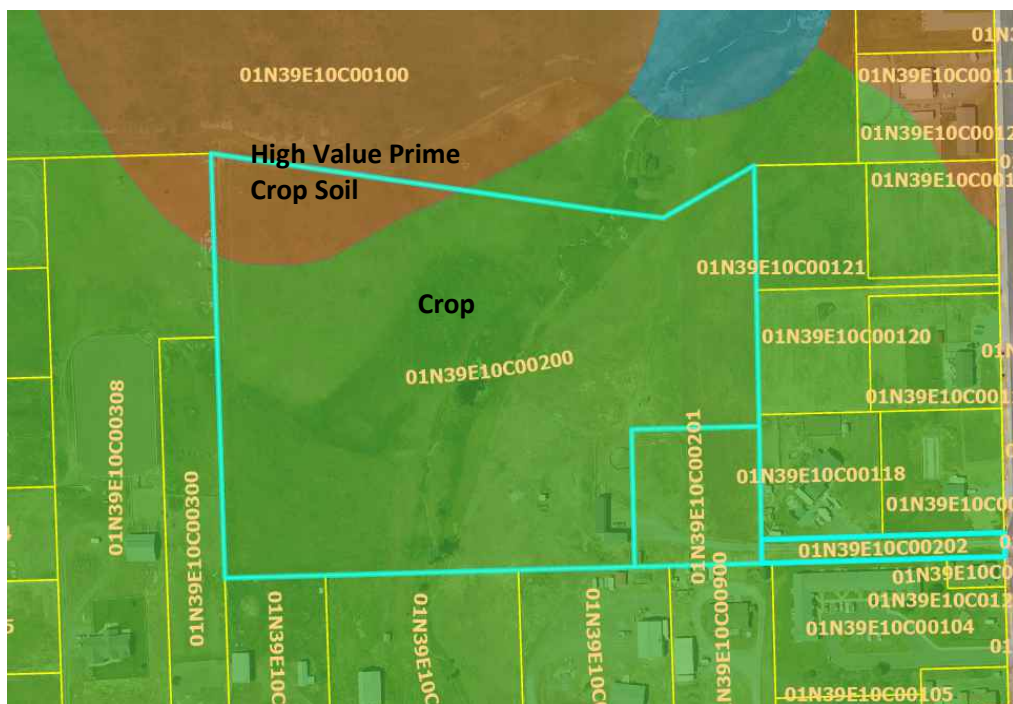
The subject property is approximately 13.94 acres. It is zoned A-3, Agricultural Forest but the applicable zone for the property, based on the majority soils, is A-1, Exclusive Farm Use.

<u>Crop (54C)</u>	<u>12.79 acres</u>
<u>Crop High Value Prime (46B)</u>	<u>1.14 acres</u>

Soil # 46B is Palouse Silt Loam. Typical slopes are 0 to 5% and it is deemed well drained. Land capability classification nonirrigated is 2c. It is deemed a prime farmland. Used mainly for dryland cropland. Small grains, peas, lentils, alfalfa, and grasses for hay and pasture are common crops. Native vegetation is Idaho fescue, bluebunch wheatgrass, Sandberg bluegrass, arrowleaf balsamroot, common snowberry, and wild rose.

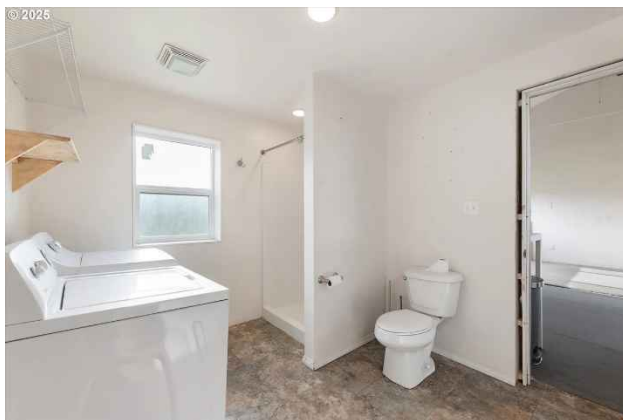
Soil # 54C is called the Ramo Variant Silt Loam. Typical slopes are 2 to 12% and it is deemed well drained with slow permeability. It is deemed a farmland of statewide importance. The land capability classification irrigated and nonirrigated is 3e. This soil is used for hay, pasture, small grain and livestock grazing. Potential native vegetation is mainly Idaho fescue and bluebunch wheatgrass.

This is the soils map. The parcel is outlined in blue.



² Application No. 20190062, Survey Number 042-2019

The photos³ from 2025, below, show the current structures on the property and a portion of the interior of the building. The interior photos indicate that the building may have been used as living quarters. The photos show an area with a stove, refrigerator, washing machine and dryer, bathroom with shower, and loft. The structure was approved under an agricultural exemption in 2019 for hay and equipment storage, applied for by Josh Haley. The ag exempt application does not indicate any electrical or plumbing permits would be submitted. There was an electrical permit issued on 12/23/2020, and allowed to expire. No plumbing permit can be found for the property.



³ www.realtor.com

Following are aerial photos⁴ of the parcel and surrounding properties.



⁴ www.realtor.com

The stream channel shown in the following two photos is identified as a riverine wetland on the Statewide Wetlands Inventory.



The applicants' proposed dwelling location is highlighted in green



A current estimate by County Assessment shows that approximately \$4,000 in taxes will need to be paid should the property be approved for a non-farm dwelling.

I. WRITTEN TESTIMONY

None received as of the finalization of this staff report.

II. FINDINGS APPLYING CODE CRITERIA

All applications are subject to the requirements of the Union County Zoning, Partition and Subdivision Ordinance. Sections in boldface type below denote relevant Ordinance, Oregon Administrative Rule, or State Statute sections. Sections in regular type denote staff analysis of the application.

UCZPSO Article 2.00 A-1 Exclusive Farm Use

Section 2.04 Conditional Uses with General Review Criteria

In the A-1 Zone, the following uses and their accessory buildings and uses are permitted subject to county review under Article 24.03 Quasi-Judicial land use decision and the specific standards for the use set forth in Section 2.05, as well as the general standards for the zone and the applicable standards in Article 21.00 (Conditional Uses).

18. Single-family residential dwelling, not provided in conjunction with farm use subject to Subsection 2.05.26.B and Section 2.10.

Findings: The applicants have applied for a Conditional Use for a non-farm dwelling.

Section 2.05 Use Standards

26. General Standards.

B. Single-family dwelling deeds. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Findings: This will be a condition of approval.

Section 2.10 Dwellings Not In Conjunction With Farm Use

1. Non-farm dwelling. A non-farm dwelling sited on a lot or parcel is subject to the following requirements:

A. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.

Findings: This is analyzed in the section on farm/forest impacts.

B. The following applies to a non-farm dwelling:

- (1) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel or portion of a lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and**
- (2) A lot or parcel or portion of a lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then the lot or parcel or portion of the lot or parcel is not "generally unsuitable". A lot or parcel or portion of a lot or parcel is presumed to be suitable if, in Eastern Oregon, it is composed predominantly of Class I-VI soils. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or**

Findings:

Applicants' statement summarized: The applicants state that the parcel is unsuitable for commercial farm or forest production due to its location and because of its configuration, proximity to residential uses, and integration with municipal services.

Staff: The parcel contains a prime farm soil, Class II, and a Class III farm soil and, per B. (2) above, is presumed suitable for farm use. The parcel has also been farmed in the past in conjunction with the adjacent property. It may be too small to be farmed profitably but that has not been supported. It can reasonably be put to farm use in conjunction with adjacent land.

(3) If the parcel is under forest assessment, ...

Findings: The parcel is not under forest assessment.

C. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the

land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth below in subparagraphs (1) through (3). If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth below in subparagraphs (1) through (3).

- (1) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;
- (2) Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under Subsections A and B and Section 2.10, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph; and
- (3) Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area. If a single-family dwelling is established on a lot or parcel as set forth in Subsection 2.05.7 or (forest zone reference to dwellings in forest zones), no additional dwelling may later be sited under the provisions of this section.

Findings: The cumulative impact analysis is found on the following 5 pages.

Nonfarm Dwelling Cumulative Impacts Analysis

Proposed Nonfarm Dwelling Property Information

Map Tax Lot:	Township 01N, Range 39E, Section 10C, Tax Lot 200 & 201
Applicant(s):	Josie Livingston, Elijah Livingston, Tom Higgins, Jaime Higgins
Mailing Address:	904 N 15 th Ave., Elgin, OR 97827
Property Zone:	UC-A3 Agriculture Forest Use Zone
Zoning to Use:	UC-A1 Exclusive Farm Use (due to predominant soil type)
Soil Classification:	Crop and High Value Crop Soils

Purpose of this Analysis

Oregon law (ORS 215.284) and the Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO) (Section 2.10.C) require that before approving a nonfarm dwelling (NFD) on agricultural land, the county must determine whether the dwelling will materially alter the stability of the overall land use pattern in the area. This Cumulative Impacts Analysis evaluates whether the proposed NFD, together with existing and potential future NFDs in the surrounding study area, would destabilize the agricultural character of the area by diminishing opportunities for farm expansion, reducing land in farm use, or making it more difficult for existing farm operations to continue. This analysis is prepared by planning staff as part of the conditional use review process and provides findings intended to assist the Planning Commission in making the required determination.

Proposed Nonfarm Dwelling Parcel Description

The subject parcel was created by lot line adjustment on the recorded plat 042-2019. Prior to the 2019 plat, this parcel was part of a larger tract that contained a dwelling in 1993, so does not qualify for a lot of record dwelling.

The subject parcels soil type is composed of approximately 91% Crop soils and 9% High Value Prime Crop soils.

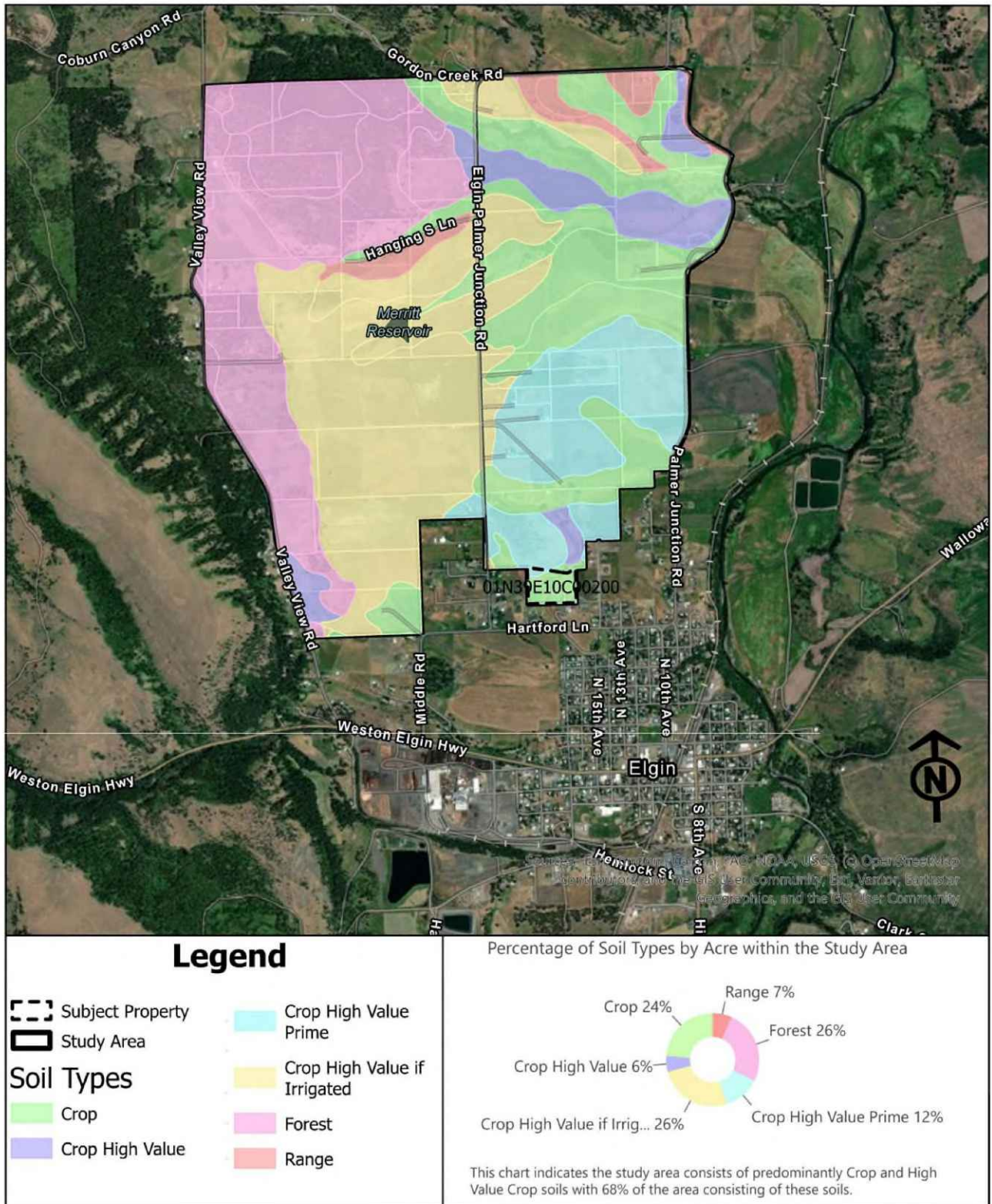
Study Area Geography

North of the parcel is Agricultural Forest zoning. Land zoned for urban and rural residential uses are not allowed within the study area; therefore, the study area encompasses parcels predominantly to the north of the subject parcel. The study area includes similarly zoned A-3 parcels to the north and totals approximately 2,000 acres. The area reaches as far east as Palmer Junction Road. Then follows Palmer Junction Road north to the intersection with Gordon Creek Road before following the northern boundaries of Section 3 and 4, Township 1N, Range 39E to the western boundary of Valley View Road.

The Western boundary of the study area then continues south following Valley View Road, then turns easterly along the southern boundary line of Section 09, Township 1N, Range 39E for approximately 2,200 feet to the northwest corner of Middle Road. The southern boundary of the study area then heads north, then east avoiding the areas zoned as rural residential back to the subject parcel.

This geographic area lies north of the City of Elgin, within an area known as Indian Valley. It is a relatively isolated section of agricultural land bound by the city to the south, the Blue Mountains to the North and West, and the Grande Ronde River to the east.

NONFARM DWELLING CUMULATIVE IMPACT ANALYSIS STUDY AREA



Study Area Inventory

The study area consists primarily of a mixture of non-irrigated and irrigated crops, forest, and pasture. 68% of the soils within the study area are crop soils, with 44% of the soils within the study area being high value crop soils. 26% of the soils found are forest soils and only 7% of soils are rangeland.

According to Union County's Land Use Application (LUA) database, there have been seven NFD applications approved within the study area. The NFD applications date from 1979 to 2011. The seven previously approved NFDs have been absorbed into the study area over more than three decades. Eleven dwellings total have been built over the last 25 years.

There are 53 parcels within the study area. Of those 53 parcels, 12 parcels did not contain dwellings (termed 'vacant parcels') and 41 parcels contained dwellings (termed 'developed parcels'), seven of which were NFD approvals. The remaining dwellings are presumed to be farm dwellings or to predate zoning.

Figure 1 (page 3) illustrates the distribution of parcels within the study area by size category, each bar represents the total number of parcels and the proportion that are currently developed versus vacant. The majority of parcels (36 of 53) are under 40 acres, below the minimum lot size for nonfarm partition eligibility. Out of the 12 vacant parcels in the study area, 9 are under 40 acres. Only 3 parcels meet or exceed the 160-acre minimum lot size, and all three contain a dwelling. This indicates very limited potential for future NFD approvals through the partition pathway.

A comprehensive individual parcel analysis of parcel creation dates and ownership history was not feasible for this study area. However, given the prevalence of substandard parcels, the limited number of parcels meeting the 160-acre minimum lot size, and a maximum of 12 vacant parcels — many of which are likely subject to tract and ownership constraints under Section 2.09 — the potential for additional lot-of-record or partitioned nonfarm dwellings is limited.

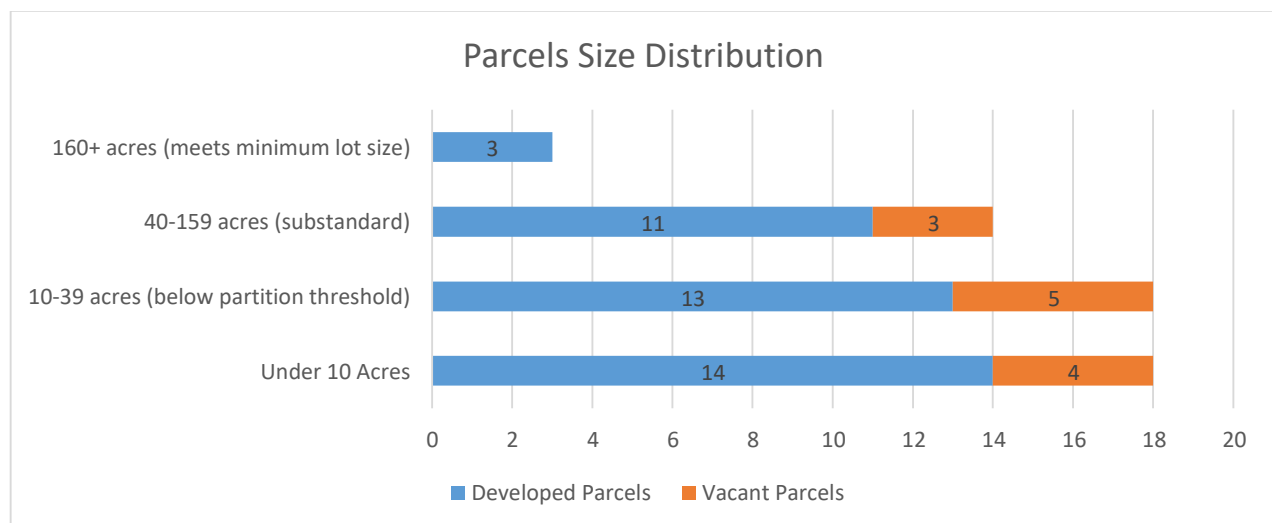


Figure 1. Parcel size distribution within the study area showing developed and vacant parcels by acreage category.

The study area has a relatively low estimated potential for future NFDs. Of the 12 vacant parcels, only 1 or 2 NFDs may be possible in the future. Some parcels were disqualified due to single ownership on a tract of land already containing a dwelling. Other parcels may be possible for

Ownership of Record development, but further research will need to be completed to verify that development pathway.

The study area has not received significant residential development except for areas closer to the Urban Growth Boundary or within rural residential zones. A comparison of aerial imagery from the National Agriculture Imagery Program (NAIP) 1995 archive and the Oregon Statewide Imagery Program (OSIP) 2024 archive is provided on page 14. NAIP 1995 was the earliest aerial imagery and OSIP 2024 is the latest aerial imagery available to planning staff. A comparison of the 1995 NAIP imagery with the 2024 OSIP imagery reveals minimal change in the study area's development pattern over the nearly 30-year period. Agricultural field patterns, parcel configurations, and the distribution of structures have remained largely consistent, with only modest incremental development.

Conclusion

The character of the study area is predominantly substandard parcels with small farms.

The proposed NFD parcel is uniquely situated in an area that is surrounded on three sides by residentially developed land. A subdivision within city limits to the east and R-2 zoning, which requires a 2-acre minimum lot size, to the south and west. The location of the proposed NFD parcel in question is on the outskirts of the study area, and the proposed dwelling location is located in the southeast corner, putting it as far from agricultural uses as possible.

The impact of further development of potential NFDs within the study area will likely be consistent with the development of the study area over the previous 25 plus years. Which is to say, that the impact will be minimal and within a normal rate of development.

AERIAL IMAGERY COMPARISON

OSIP 2024 Aerial Image of Study Area¹



NAIP 1995 Aerial Image of Study Area¹



¹ Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA | Oregon GEO, NAIP

Section 2.06 Conditional Use Review Criteria

- 1. An applicant for a use permitted in Section 2.04 must demonstrate compliance with the following criteria in addition to the applicable standards in Article 21.00 and subject to the review process identified in Section 24.03.**

Findings: Article 21 outlines the Conditional Uses processes and procedures and standards for specific uses. The application is complying with the processes and procedures of Article 21. Subsection 21.06.1 states, "A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as specifically modified by the Planning Commission in granting the conditional use." This returns the requirements back to the #2 and #3 of this section. Section 24.03 is the application review procedures that are also being followed.

- 2. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and**
- 3. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

OAR 660-033-0130(5), revised and effective January 1, 2025

- (c) For purposes of subsections 2 and 3, a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:**

- (A) Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation:**
- (B) An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices. This assessment applies practice by practice and farm by farm; and**
- (C) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.**
- (D) For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.**
- (E) For purposes of subsections 2 and 3, potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under subsections 2 and 3.**
- (F) In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in subsections 2 and 3.**

Findings: the parcel is surrounded on three sides by residential uses. The property to the north is the nearest adjacent agricultural property and is still being farmed. It does not appear that an additional residential use would cause significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or significantly increase the cost of accepted farm or forest practices.

UCZPSO Article 21 Conditional Uses

Subsection 21.06 General Standards Governing Conditional Uses

The following standards and criteria shall govern conditional uses, except as provided in subsection 21.07:

- 1. A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as specifically modified by the Planning Commission in granting the conditional use.**

Findings: Subsection 21.06.1 refers review back to the zone regulations if there are specific conditions expressed for conditional uses. For home occupations, the A-1 zone does contain specific conditional use requirements.

Connection of Utilities to the Parcel is governed by the following OAR sections.

OAR 660-011-0060 Sewer Service to Rural Lands

A local government may allow a residential use to connect to an existing sewer line provided the conditions in subsections (a) through (h) of this section are met:

- (a) The sewer service is to a residential use located on a parcel as defined by ORS 215.010 (Definitions)(1), or a lot created by subdivision of land as defined in ORS 92.010 (Definitions for ORS 92.010 to 92.192);**
- (b) The parcel or lot is within a special district or sanitary authority sewer service boundary that existed on January 1, 2005, or the parcel is partially within such boundary and the sewer service provider is willing or obligated to provide service to the portion of the parcel or lot located outside that service boundary;**
- (c) The sewer service is to connect to a residential use located within a rural residential area, as described in OAR 660-004-0040 (Application of Goal 14 to Rural Residential Areas), which existed on January 1, 2005;**
- (d) The nearest connection point from the residential parcel or lot to be served is within 300 feet of a sewer line that existed at that location on January 1, 2005;**
- (e) It is determined by the local government to be practical to connect the sewer service to the residential use considering geographic features or other natural or man-made constraints;**
- (f) The sewer service authorized by this section shall be available to only those parcels and lots specified in this section, unless service to other parcels or lots is authorized under sections (4) or (9) of this rule;**
- (g) The existing sewer line, from where the nearest connection point is determined under subsection (8)(d) of this rule, is not located within an urban growth boundary or unincorporated community boundary; and**
- (h) The connection of the sewer service shall not be relied upon to authorize a higher density of residential development than would be authorized without the presence of the sewer service, and shall not be used as a basis for an exception to Goal 14 as required by OAR 660-004-0040 (Application of Goal 14 to Rural Residential Areas)(6).**

OAR 660-011-0065

Consistent with Goal 11, local land use regulations applicable to lands that are outside urban growth boundaries and unincorporated community boundaries shall not:

- (a) Allow an increase in a base density in a residential zone due to the availability of service from a water system;**
 - (b) Allow a higher density for residential development served by a water system than would be authorized without such service; or**
 - (c) Allow an increase in the allowable density of residential development due to the presence, establishment, or extension of a water system.**
- AR 660-011-0065 Water Service to Rural Lands**

III. NOTIFICATION

This application was deemed complete on February 10, 2026. The department reviews this application type using the quasi-judicial process pursuant to Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO) Article 24.03, and 24.09 through 24.12. In compliance with the UCZPSO, the department sent a Notice of Hearing to property owners within 500 feet of the property subject to this application (subject property) and placed a public notice on the Elkhorn Media website on March 13.

Once a decision is made, the department will send a Notice of Planning Commission Decision to the same property owners. The Notice of Planning Commission Decision will inform adjacent property owners that they have 30 calendar days from the date of the decision to appeal the Planning Commission's decision to the Board of County Commissioners.



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Planning Director

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FARM/FOREST LAND USE APPLICATION

Please complete & return this form with ATTACHMENTS

- ☐ Conditional Use, other than those listed below
- ☐ Home Occupation
- ☐ Farm Dwelling (new)
- ☐ Forest Dwelling (new)
- ☐ Alteration/Restoration/Replacement of lawful dwelling
- ☐ Administrative Use
- ☐ Variance
- X Other: NON-Farm Dwelling

CONTACT INFORMATION

Applicant(s) Name(s)	Josie Livingston, Elijah Livingston, Tom & Jaime Higgins
Phone Number	[REDACTED]
Email Address	[REDACTED]
Mailing Address	904 N 15 th Ave, Elgin OR 97827

The APPLICANT is a ... ☒ Legal Owner/Legal Representative* ☐ Contract Purchaser ☐ Agent
*provide proof

If the applicant is not the legal owner, submit the attached Property Owner Certification.

PROPERTY IDENTIFICATION

Include additional property information as an attachment if more than two properties.

Township	Range	Section	Tax Lot	Zoning Designation	Acreage	Addressed* Yes or No
01N	39E	10	201	UC-A3	1.15	Yes
01N	39E	10C	200	UC-A3	12.41	

*Provide address 904 N 15th Ave, Elgin, OR 97827
202 0.38

PROPOSED USE INFORMATION

Identify the specific use that you are submitting this application for and cite the Union County Zoning, Partition and Subdivision Ordinance (UCZPSO) section for reference. <https://unioncountyor.gov/planning/>

Single-family residential use. Utilizing existing city address, city services, city mailbox. This application is to confirm the buildability of the subject lot as originally represented at time of purchase from selling agent Shauron Langdon.

CURRENT USE OF PROPERTY – also identify any structures

pasture ground, one shop.

NARRATIVE & EVIDENCE in support of your request.

All uses require justification for approval. Staff will provide you with the code requirements you need to respond to. ***It is the applicant's responsibility to provide evidence in support of the request.*** Staff will review the information, research, and conclude that it does or does not meet the requirements of the code, or may meet the requirements with conditions.

ADDITIONAL REQUIRED ATTACHMENTS

- 1) Vicinity map showing the subject property and surrounding roads and adjacent properties.
- 2) Site Plan, see attached example.
- 3) Narrative and evidence statements that address UCZPSO standards.

CERTIFICATION

all applicants must sign

I/We, the undersigned, swear that this application, including the information and justifications submitted, is true and correct to the best of my/our knowledge and belief. I/We understand that this land use action may result in a change to the property valuation. I/We acknowledge that the property owners must abide by all conditions of approval and all applicable state statutes, federal regulations, and Union County regulations in order to get final approval and be able to begin the use.

Josie Livingston

Name

Signature

01/07/2026

Date

Elijah Livingston

Name

Signature

01/07/2026

Date

Tom Higgins

Name

Signature

01/07/2026

Date

Jaime Higgins

Name

Signature

01/07/2026

Date

For Planning Department Purposes Only

Date of Submittal 4/27/26 Date Considered Complete _____

Payment Receipt Number 328750

Application Number 2026-0DD5

Property Owner Certification

all owners must sign

The below identified persons are the ☒ legal property owner(s) ☐ legal representative

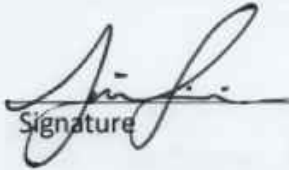
of the property that is the subject of this application and the applicant permission to apply for this proposed use.

Josie Livingston

Name

Elijah Livingston

Name



Signature

01/07/2020

Date



Signature

01/07/2020

Date

Tom Higgins

Name

Jaime Higgins

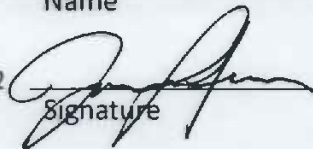
Name



Signature

01/07/2020

Date



Signature

01/07/2020

Date

If legal representative, identify your legal right to sign for the property owner. Attach documentation showing your legal right.

Submitted 2/10/26

Dear Planning Staff

Please accept this submission in support of a Non Farm Dwelling application for the property located at 904 N 15th Ave. Elgin, Oregon (01N 39E 10C - Tax lots 200 & 201). See attached plot map. The purpose of this application is to address the applicable approval criteria under Union County Code and ORS 215.263 and to clarify the buildability of a legally established parcel located at the urban edge of the City of Elgin.

The subject parcel is a legally created tax lot with an assigned city address and existing access to city approved utilities. While the parcel is located outside the Urban Growth Boundary it is situated in an area characterized by a transition of land uses, including established residential development and nearby agricultural uses. Approval of a single- family non farm dwelling on this parcel would be consistent with the surrounding development pattern and would not materially alter the stability of agricultural or forest uses in the area. Should our application be approved, we would plan to build the home in the NW corner of what is currently Tax Lot 201. We have attached a basic site plan - the home would utilize the city approved utilities in place and be accessed via the current established road (tax lot 202) with a residential driveway added to access the home. All plans will be prepared in compliance with applicable county zoning and land use standards.

Should additional information be required to complete the review, we are willing to provide it.

Thank you for your consideration.

Sincerely,

Elijah & Josie Livingston / Tommy & Jaime Higgins

1. Impact on Accepted Farm and Forest Practices

The proposed non farm dwelling will not force a significant change in, nor significantly increase the cost of, accepted farm or forest practices on nearby lands devoted to such uses. The parcel is located at the edge of the City of Elgin in an area where residential development and agricultural uses already coexist. The dwelling will be sited to avoid interference with surrounding agricultural operations and will not restrict access, farming activities, or customary practices on adjacent properties. The applicant acknowledges the right of nearby landowners to continue lawful farm or forest practices.

2. Unsuitability of the Parcel for Farm or Forest Production

The subject parcel is unsuitable for commercial farm or forest production due to its location, existing infrastructure, and relationship to surrounding development. The parcel is a legally established lot with urban level utilities approved by the City of Elgin and an assigned city address. It is functionally separated from larger agricultural tracts and is bordered by residential development and subdivision-style growth.

Because of its configuration, proximity to residential uses, and integration with municipal services, the parcel cannot reasonably be managed as part of a commercial farming, grazing, or timber operation, nor can it practically contribute to such operations in conjunction with surrounding lands. Approval of a single-family dwelling would recognize the parcel's existing functional status and would not represent the conversion of productive agricultural or forest land.

3. Land Use Pattern and Cumulative Impact Analysis

Study Area Description

The study area consists of approximately one mile surrounding the subject parcel and represents the urban rural interface at the edge of the City of Elgin. This area includes a mix of agricultural lands, rural residential parcels, and established residential neighborhoods. Lands zoned for urban or rural residential uses were excluded from the analysis where required.

The subject parcel is located within an area that has experienced incremental residential development over time including multiple existing dwellings situated along established roadways and adjacent to agricultural lands.

Existing Land Use Pattern

Within the study area, existing dwellings include a combination of farm related residences and non farm single-family homes. Since approximately 1993, development has occurred gradually and in a manner consistent with available infrastructure and existing parcel configurations. Recent subdivision development adjacent to the subject parcel further reflects the ongoing residential presence in the immediate area.

Cumulative Impact Analysis

While some parcels within the study area may theoretically qualify for additional dwellings under applicable statutes, practical constraints including existing development patterns, parcel sizes, access, infrastructure, and land use compatibility—significantly limit the realistic potential for widespread additional non farm dwelling approvals.

Approval of a single non farm dwelling on the subject parcel will not increase development pressure on surrounding agricultural lands, reduce opportunities for farm expansion, or diminish the stability of existing farm operations. The proposed dwelling is consistent with the established land use pattern and will not materially alter the overall character or long term stability of the area.

4. Additional Statutory Acknowledgements

- Any additional taxes imposed as a result of approval of the non farm dwelling will be paid prior to final approval.
- Approval of this application will preclude the future siting of additional non farm dwellings on the parcel.
- The proposed dwelling will comply with any reasonable conditions imposed by Union County or its designee.

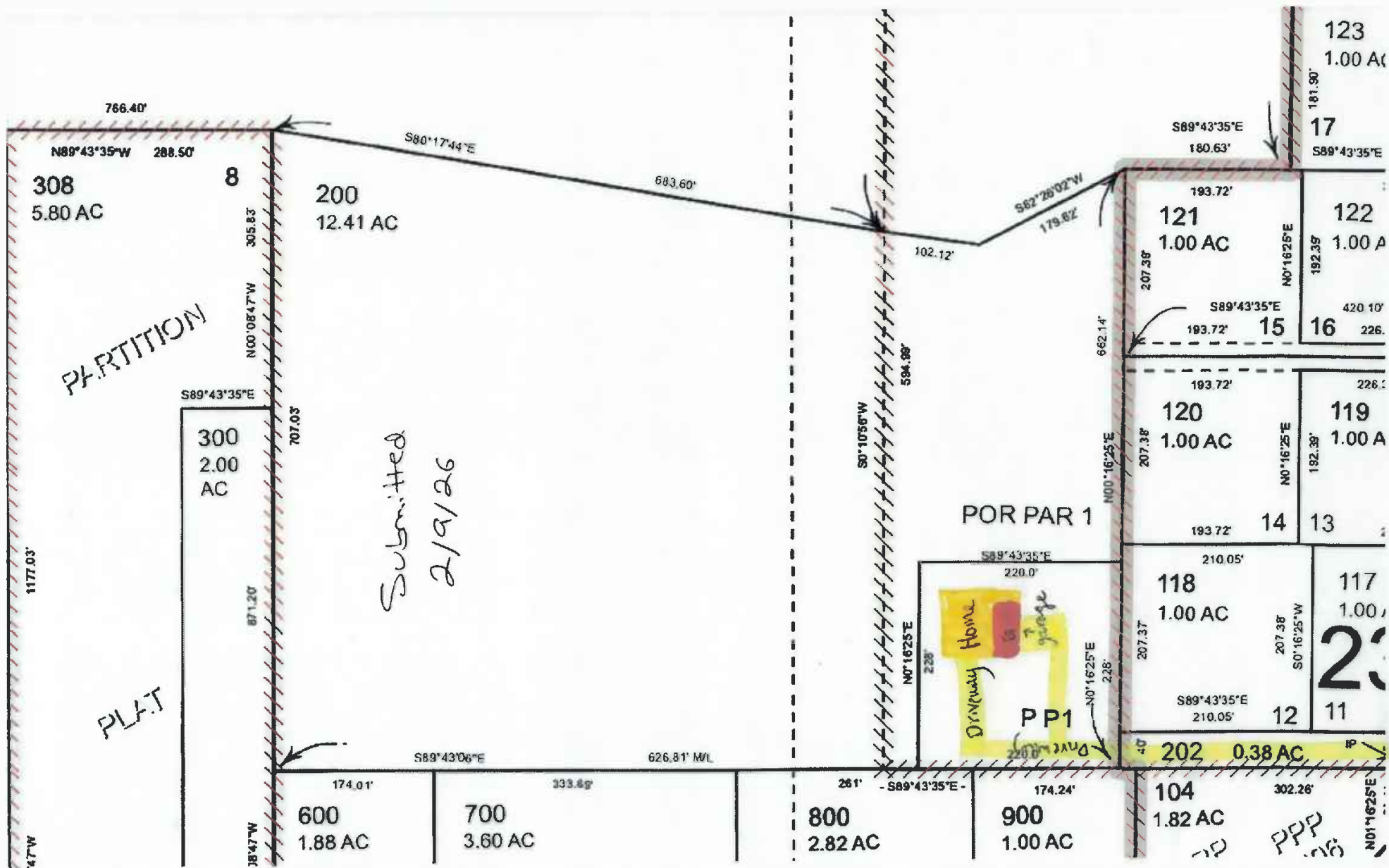
Final Summary:

The subject property is not suitable for farm use due to its size, configuration, and topography, which resulted from its historical division from a larger agricultural parcel. The portion of land

containing viable, level, and productive farm ground was retained by the previous owners, including the desirable pond and adjacent flat acreage that continues to be actively used for hay production. The irregular configuration of the parcel, particularly along the south property line, reflects this division and demonstrates that the remaining acreage lacks the characteristics necessary for productive agricultural use.

As a result of these physical limitations, the parcel does not contain sufficient usable acreage to support commercial farming or generate agricultural income on its own. Additionally, the property has not been able to be farmed during the entirety of our ownership, as it is not capable of such independently or economically given its current characteristics.

The purpose of this application is to seek approval for a non-farm dwelling so that the property may be appropriately utilized by ourselves or future owners, including the construction of a single-family dwelling. At the time of purchase, and with representation by an experienced local broker who conducted due diligence, the property was represented as a buildable parcel, with such understanding acknowledged by both Union County Planning and the City of Elgin. Given the property's location, topography, surrounding development, existing infrastructure and features, its highest and best use would reasonably allow for a non-farm dwelling. Absent recognition of a buildable site, the property's practical utility is substantially limited, as it currently functions only as non-productive pasture with no viable agricultural use. We are therefore requesting approval of a non-farm dwelling so the property may be utilized in a manner consistent with how it was originally represented and acquired.



SEE MAP 01N 39E 09D

RD

(CO RD NO 49AB)

100
80.27 AC

Submitted
2/9/26

CS 039-1993
042-2019

23-4

301
1.87 AC

302
1.87 AC

303
1.87 AC

304
1.59 AC

305
1.59 AC

308
6.80 AC

200
12.41 AC

300
2.00 AC

PARTITION

PLAT

HUNAH

VISTA

PORTION
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2006-0013

TEMPORARY HAMMOCKHEAD
TURNAROUND CASSEMENT TO BE
VACATED UPON COMPLETION
OF FUTURE PHASE

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15TH

23-1

POR PAR 1

PP1

P2

PPP 1999

PPP 2006

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