



UNION COUNTY Planning Department

Inga Williams
Planning Director

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RESIDENTIAL/COMMERCIAL/INDUSTRIAL LAND USE APPLICATION

Check correct one: ☒ Conditional Use ☐ Administrative Use ☐ Variance
☐ Other _____

Submission Date: 6-25-26

Applicant

Name(s)	<u>Floyd S. and Louise J. Lyon</u>
Phone Number	<u>[REDACTED]</u>
Email Address	<u>[REDACTED]</u>
Mailing Address	<u>P.O. Box 253 Cove, OR 97824</u>

Owner ☒ Same as Applicant

Name(s)	
Phone Number	
Email Address	
Mailing Address	

Include an attachment with additional names and contact information if the above spaces are not sufficient.

Township	Range	Section	Tax Lot	Zoning Designation	Acreage	Tax Assessor's Ref. No.
<u>3 South</u>	<u>40 East</u>	<u>16</u>	<u>1300</u>	<u>R2</u>	<u>4.91</u>	<u>12243</u>

Include additional property information as an attachment if more properties are involved in the request.

Situs address or N/A

69189 Chadwick Ln; Cove, OR 97824

Purpose of the Application

1) What use are you proposing that requires land use approval.

Add ADU to property

2) Cite the applicable Zoning, Partition and Subdivision Ordinance (UCZPSO) section(s).

Articles 6.00, 7.00, 8.00, 9.00

Current Use of and Existing Structures on Property

Residential dwelling

Required Attachments

1) Narrative & Supporting Evidence

Applicants are responsible for submitting all necessary evidence to support their request. Each proposed use must comply with the requirements outlined in the Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO) and must be clearly justified. Provide thorough, detailed responses for each relevant code section. Be sure to include documentation that supports any claims made. Staff will review the submitted materials and determine whether the request meets the applicable code requirements, does not meet them, or may meet them with specific conditions. Vague and unsupported statements may result in a denial based on insufficient evidence. Before submitting your application, consult with staff to ensure you are responding to all necessary code sections.

2) A **vicinity map** showing the subject property and surrounding roads and adjacent properties.

3) A **site plan**, see attached example.

4) A copy of the most recent **deed**.

ATTESTATION

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.

All owners of the property must sign

<u>Floyd S. Lyon</u>		<u>Louise J. Lyon</u>	
Signature of Applicant		Signature of Applicant	
<u>FLOYD S. LYON</u>	<u>6-25-26</u>	<u>Louise J. Lyon</u>	<u>8/1/26</u>
Printed Name	Date	Printed Name	Date

Signature of Owner, if not applicant		Signature of Owner, if not applicant	
Printed Name	Date	Printed Name	Date

Include an attachment with additional signatures if the above spaces are not sufficient.

For Planning Department Purposes Only

Date Considered Complete 8/14/26

Payment Receipt Number 328784

Application Number 2026-0038

The property is located in Union County, Oregon. The physical address is: 69189 Chadwick Lane, Cove, Oregon. Specifically: Township 35 South, Range 40 East, Section 16, Tax lot 1300. The Tax Assessor's Reference Number for the property is 12243. The property is zoned R-2 and the total acreage is 4.91.

There is an existing dwelling on the property: a 1800 square foot stick-built home constructed in 1997. The property is serviced by the Cove Fire Protection District.

The property is not currently, and to our knowledge, has never been, subject to any code enforcement action.

The northwest corner of the ADU will be located 85 feet southwest of the southwest corner of the existing dwelling. The ADU will be a manufactured building with 860 square feet of living space within an 880 square foot footprint. It will be placed on a stem-wall foundation.

The DEQ has determined the existing septic system is sized such that an additional filtration system will not be necessary – waste will be pumped into the existing septic tank and the effluent will be discharged into the existing drain field.

The water well that services the existing dwelling is sufficient to service the ADU as well so an additional water well will not be needed.

The ingress/egress road for the property will not be altered – the ADU will be accessed via the existing driveway.

The ADU will be used as a long-term rental.

32-
EOT
06-17217

20061303

STATUTORY WARRANTY DEED

DAVID P. BILLINGS and EDWINA P. BILLINGS, as tenants in common, Grantors, convey and warrant to FLOYD S. LYON and LOUISE J. LYON, as tenants by the entirety, Grantees, the real property, free of encumbrances and fully described as follows:

Parcel numbered Three (3) of Minor Land Partition Plat No. 1996-24, filed November 1, 1996, in Cabinet B, Slide 445, Plat Records of Union County, being a partition of Tract numbered five (5), Cove Orchard Tracts, located in the Northwest quarter of the Northeast quarter of Section 16, in Township 3 South, Range 40 East of the Willamette Meridian, in Union County, Oregon.

SUBJECT TO:

1. Right-of-Way Easement Private Party, including the terms and provisions thereof, granted to Oregon Trail Electric Consumers Cooperative, a corporation; dated April 13, 1999, recorded April 29, 1999, Microfilm Document No. 992249, Deed records of Union County, Oregon.
2. The fence line running parallel to the east line of subject property does not conform to the boundary line of record.

The true and actual consideration is \$275,000.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE

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///
///

AFTER RECORDING, RETURN TO:
Eastern Oregon Title, Inc.
PO Box 1084
La Grande OR 97850

SEND TAX NOTICE TO:
Floyd S. and Louise J. Lyon
68430 Hulick Ln
Cove, OR 97824

APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY
APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST
FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

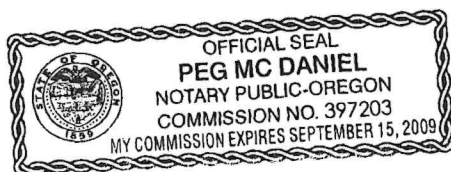
DATED this 21 day of March, 2006.

David P. Billings
DAVID P. BILLINGS, Grantor

Edwina P. Billings
EDWINA P. BILLINGS, Grantor

STATE OF OREGON)ss
County of Union)

The foregoing instrument was acknowledged before me this 21 day of
March 2006, by ~~DAVID P. BILLINGS~~ and EDWINA P. BILLINGS, as
tenants in common, acknowledged said instrument to be their voluntary act and deed.

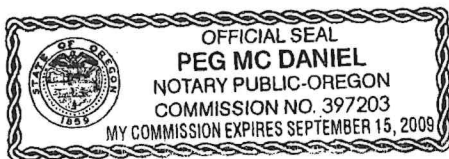


Peg McDaniel
Notary Public for Oregon
My commission expires: 9-15-09

This Notary Certificate is prepared on a separate page and is attached to the document entitled Warranty Deed, containing 2 pages and is attached to that document by means of staple.

STATE OF Oregon)
) ss.
County of Union)

On this 22 day of March 2006 personally appeared before me the above named David P. Billings and acknowledged the foregoing document to be her/his/their voluntary act and deed.



Peg McDaniel
Notary Public for the State of Oregon
My commission expires: 9-15-09

STATE OF OREGON

County of Union

} SS

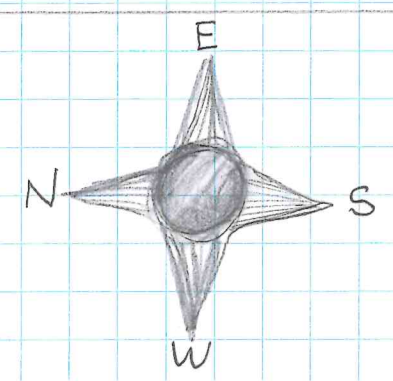
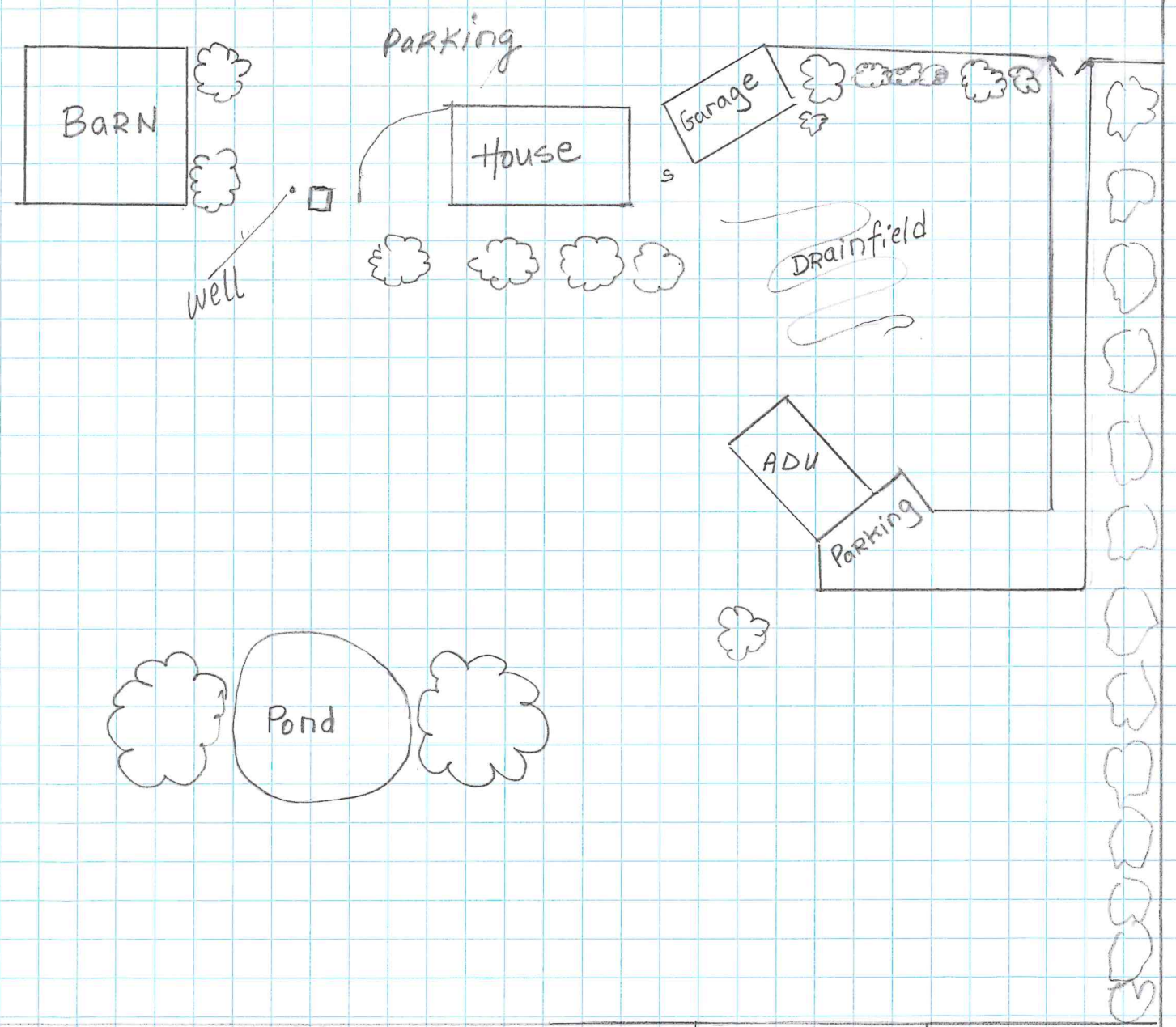
I certify that this instrument was received and recorded in the book of records of said county.

R. NELLIE BOGUE HIBBERT,
Union County Clerk

by: R. Churca Deputy.

DOC#: 20061303
RCPT: 115919 32.00
3/23/2006 2:45 PM
REFUND: .00

Field



Legend
1 square = 12.5 ft

4.91 ACRES



UNION COUNTY Planning Department

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Planning Director

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APPLICATION No. 2026-0038

STAFF REPORT CONDITIONAL USE - ADU

Purpose of the Application	Establish an Accessory Dwelling Unit
Relevant Ordinance Criteria	UCZPSO Article 7, Subsection 7.03.12 Accessory Dwelling Unit (ADU), Section 7.05 Development Standards, Section 7.06 Fire Siting Standards; UCZPSO Article 21 Conditional Uses
Property Owners & Applicants	Floyd S. and Louise J. Lyon
Property Location	Twp 03S, Range 40E, Section 16A, Tax Lot 1300 69189 Chadwick Ln, Cove, OR; Assessor's ID # 12243
Zone Designation	R-2 Rural Residential
Comprehensive Plan Designation	Rural Residential
Parcel Size	~4.91 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.

Motion to Approve

"I move that the Planning Commission approve the Conditional Use application for an Accessory Dwelling Unit as requested in Application No. 2026-0038. The application complies with applicable criteria of the Union County Zoning, Partition, and Subdivision Ordinance and is supported by *[choose any or all of the following]*

- analysis and findings in the staff report,
- information provided in the application,
- verbal testimony at the public hearing by the applicant,
- verbal testimony at the public hearing by the public in support of the application.

This motion includes the requirement for the applicant 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 the Conditional Use application for an Accessory Dwelling Unit as requested in Application No. 2026-0038. The application does not comply with *[state relevant section of Code]* of the Union County Zoning, Partition, and Subdivision Ordinance and this is supported by *[choose any or all of the following]*

- the staff report analysis and findings that the application does not comply with the land use regulations,
- information provided in the application that does not support an approval, specifically the following information...
- verbal testimony by the public at the public hearing in opposition of the application, more specifically...”

II. CONDITIONS OF APPROVAL

1. The approval to construct the ADU will be valid for one year from the date of decision. A one-year time extension may be granted by the Planning Director if the applicable regulations and circumstances of the application are unchanged and the request for the extension is applied for prior to the approval expiration date. Within the approval period, the property owner is required to apply for construction permits and have substantial construction completed on the ADU, which means completion of the supporting foundation, prior to the expiration of the approval.
2. The property owners shall comply with all applicable state laws relating to water supply, sanitation and wastewater disposal.
 - a. The property owners shall request an onsite septic evaluation and provide the Planning Director with a copy of the DEQ Authorization to Connect permit.
3. The property owners shall record a Covenants, Conditions and Restrictions document in the Union County Clerk’s Office prohibiting vacation rental/short term use of the Accessory Dwelling Unit.
4. The property owners shall place the ADU as indicated in the application, exhibits, and site plan. Any revisions to the site plan specific to the ADU shall be reviewed and approved by the Planning Director. The Planning Director shall determine if the revision can be administratively approved or will require a new conditional use permit application.
5. Existing and subsequent property owners are prohibited from partitioning the ADU from the primary dwelling.

III. BACKGROUND AND PROPERTY INFORMATION FINDINGS

The subject property is 4.91 acres in Union County’s R-2 Rural Residential Zone. The R-2 Zone is implemented by Union County Zoning, Partition & Subdivision Ordinance (UCZPSO) Article 7.00.

The subject property is Parcel 3 of Minor Partition Plat 19960024T, and is a legal parcel.

The subject property is accessed from Chadwick Lane, a public use road with a 40-foot right-of-way width and gravel surface. Chadwick Lane is a dead-end road and terminates approximately 1,300 feet to the west of the applicants’ driveway.

The adjacent parcel to the north of the subject property is in the A-1 Exclusive Farm Use Zone. Adjacent parcels to the east, south and west are in the R-2 Rural Residential Zone. The adjacent parcels within the R-2 Rural Residential zone are developed as residential properties and contain dwellings.

The subject property is not in a floodplain, big game overlay, or winter critical big game overlay area. The subject property is within the Cove School District and the Cove Rural Fire Protection District. The soil on the parcel is entirely 52C, a crop soil. The subject property is not within ¼ mile of and identified forestland area, so fire siting standards are not required.

IV. AGENCY COMMENTS

No agency comments were received as of the finalization of the staff report.

V. PUBLIC TESTIMONY

No written public testimony was received as of the finalization of the staff report.

VI. FINDINGS APPLYING CODE CRITERIA

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

UCSPZO Article 21.00 Conditional Uses

Section 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: This use is being reviewed in accordance with the specific standards of the R-2 zone.

UCSPZO Article 7.00 R-2 Rural Residential Zone

Section 7.03 Conditional Uses

The following use may be established in Union County's R-2 Rural Residential Zone by conditional use permit approved by the Planning Commission:

14. One accessory dwelling unit (ADU).

a. Subject to the following:

- A. The lot or parcel is two (2) acres or greater in size;**

Findings: The parcel is 4.91 acres.

- B. One single-family dwelling is sited on the lot or parcel which is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;**

Findings: The parcel contains one legal dwelling. The parcel is not subject to a code compliance action.

- C. If the lot or parcel is in an area identified on a statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the lot or parcel and accessory dwelling unit will comply with any applicable minimum defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392;**
- D. If no statewide map of wildfire risk has been adopted or if the lot or parcel is not in an area identified on a statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the accessory dwelling unit will comply with the provisions of any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392 and the accessory dwelling unit will have adequate access for firefighting equipment, safe evacuation and staged evacuation areas ; and**

Findings: Subsection C is not applicable as SB 83 repealed ORS 477.490 (the statewide wildfire hazard map statute). Since no statewide map of wildfire risk is established, Subsection D is applicable.

Fire siting standards are listed in Section 7.06 of the UCZPSO. These only apply if the new dwelling is located within ¼ mile of forest lands, which are defined by UCZPSO Subsection 1.08 as follows:

FOREST LANDS: The (1) lands composed of existing and potential forest lands which are suitable for commercial forest uses; (2) other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation; (3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use; (4) other forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife, and fisheries habitat, livestock habitat, scenic corridors, and recreation use; (5) means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgment of the state forester, a fire hazard, regardless of how the land is zoned or taxed.

From an aerial map review, it appears that the closest forest lands are over one mile from the subject property.

- E. A site plan drawn to scale will be submitted that identifies the property lines of the subject property, the location of the existing dwelling, the location of the proposed accessory dwelling unit, the distance between the existing dwelling and the proposed accessory dwelling unit, the distance from the proposed accessory dwelling unit to all property lines and the square footage of the proposed accessory dwelling unit.**

Findings: The applicant submitted a site plan drawn to scale that includes all of the requirements.

- b. In the event approval is granted, the following standards and limitations shall apply:**
 - A. The accessory dwelling unit cannot be located more than 100 feet from the existing dwelling.**

Findings: The submitted site plan shows that the proposed ADU will be situated 85 feet from the existing dwelling.

- B. The accessory dwelling unit is limited to 900 square feet of useable floor space.**

Findings: The narrative indicates that the proposed ADU will be, “860 square feet of living space within an 880 square foot footprint.”

- C. The accessory dwelling unit will comply with all applicable state laws relating to water supply, sanitation and wastewater disposal.**

Findings: An onsite septic evaluation and compliance with all applicable state laws relating to water supply, sanitation and wastewater disposal is a condition of approval.

- D. The accessory dwelling unit cannot be utilized for vacation rental occupancy.**

Findings: The property owners are required to sign and record a Covenants, Conditions and Restrictions document in the Union County Clerk’s Office prohibiting short-term rental use of the Accessory Dwelling Unit as a condition of approval. Short term rental use, or vacation rental occupancy, are rentals for 45 days or less.

- E. The lot or parcel cannot be subdivided or partitioned so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit.**

Findings: The subject property is 4.91 acres in a 2-acre minimum zone, which means that it could be partitioned once. Should that occur, the ADU would have to remain on the same parcel as the

primary dwelling. If it were to be annexed into the City of Cove in the future, city regulations would apply to the property.

- F. The lot or parcel is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410.**

Findings: The subject property is within the Cove Rural Fire Protection District.

VII. PLANNING COMMISSION AUTHORITY AND ACTION

UCZPSO 21.01 Authorization to Grant or Deny Conditional Uses

Uses designated in this Ordinance as permitted conditional uses shall be permitted or enlarged or altered upon approval by the Planning Commission in accordance with the standards and procedures specified in this article. Changes in use, expansion or contraction of site, or alterations of structures or uses classified as conditional existing prior to the effective date of this Ordinance, shall conform to all regulations pertaining to conditional uses.

UCZPSO 21.03 Commission Action

In addition to the general requirements of this Ordinance, in granting a conditional use the Commission may attach conditions which it finds are necessary to carry out the purposes of this Ordinance. These conditions may increase the required lot or yard, control the location and number of vehicular access points to the property, increase the street width, limit the number of signs, limit coverage of height of buildings because of obstruction of view and reduction of light and air to adjacent property, and require sight obscuring fencing and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area.

UCZPSO 24.12 Decision on Quasi-Judicial Land Use Application

The decision of the hearings body shall be based upon and accompanied by a brief statement that explains:

- A. The criteria and standards considered relevant to the decision;
- B. Statement of basic facts relied upon in rendering the decision; and
- C. Ultimate facts which explain and justify the reason for the decision based on the criteria, standards and basic facts set forth.

VIII. NOTIFICATION

The applicants submitted a Conditional Use Permit application to the Union County Planning Department requesting approval to establish an Accessory Dwelling Unit (ADU) on June 25, 2026. The Planning Director deemed the application complete on August 4, 2026. Conditional Use applications are reviewed by the Planning Commission through a public hearing review process subject to UCZPSO 24.03, 24.09, 24.10, 24.11, and 24.12 as a Quasi-Judicial Land Use Decision. Notice of this Public Hearing was mailed to property owners within 250 feet of the subject property on July 23, 2026 and published in the East Oregonian newspaper on August 12, 2026.

Within five working days of the Planning Commission's decision, a Notice of Decision will be mailed to the applicant and all participating parties, and will include appeal procedures permitted within 30 days calendar days from the date of the decision.