



UNION COUNTY

Planning Department

Inga Williams
Planning Director

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APPLICATION NUMBER: 2026-0037

STAFF REPORT

CONDITIONAL USE – LOT OF RECORD DWELLING

Purpose of the Application	Gain approval of an Ownership Lot of Record Dwelling
Relevant Ordinance Criteria	Union County Zoning, Partitioning, and Subdivision Ordinance (UCZPSO) Article 2 ; UCZPSO Article 20 Supplementary Provisions; OAR 660-033-0130 (5)
Property Owners	Vickie J Nederhiser; Jerry & Valerie Dewitt
Applicants	Eva Henes, Atlas Land Use Consulting
Property Location	Township 2 North, Range 40 East, Tax Lot 4700 (Tax ID. 13625); east of Hardy Road
Zone Designation	A-1 Exclusive Farm Use Zone
Comprehensive Plan Designation	Exclusive Agriculture
Parcel Size	157.22 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 this Conditional Use application for an ownership lot of record dwelling as requested in File No. 2026-0037. 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 this Conditional Use application for an ownership lot of record dwelling as requested in File No. 2026-0037. 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,
- verbal testimony by the public at the public hearing in opposition of the application, more specifically...”

II. PROPOSED CONDITIONS OF APPROVAL

1. Approval to construct the dwelling is valid for four years from the date of decision. An extension of this approval may be granted for two years. Five additional one-year extensions may be requested. Extensions must be requested in writing prior to the expiration of the original approval or prior extension. No extensions shall be granted if any applicable rule or land use regulation has been amended following this approval. The construction must be substantially complete and final building inspections for the foundation approved prior to the expiration date.
2. Prior to the Planning Department issuing zoning approvals for any permits, 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.
3. The dwelling and all associated infrastructure and any accessory structures shall be located in the area between Hardy Road and 400 feet from Hardy Road and shall comply with regulations and building requirements.
4. This dwelling approval is for Vickie J Nederhiser (50%) and Jerry & Valerie Dewitt (50%) and may be transferred only once to a new owner if neither present owner chooses to construct the dwelling.

III. BACKGROUND AND PROPERTY INFORMATION FINDINGS

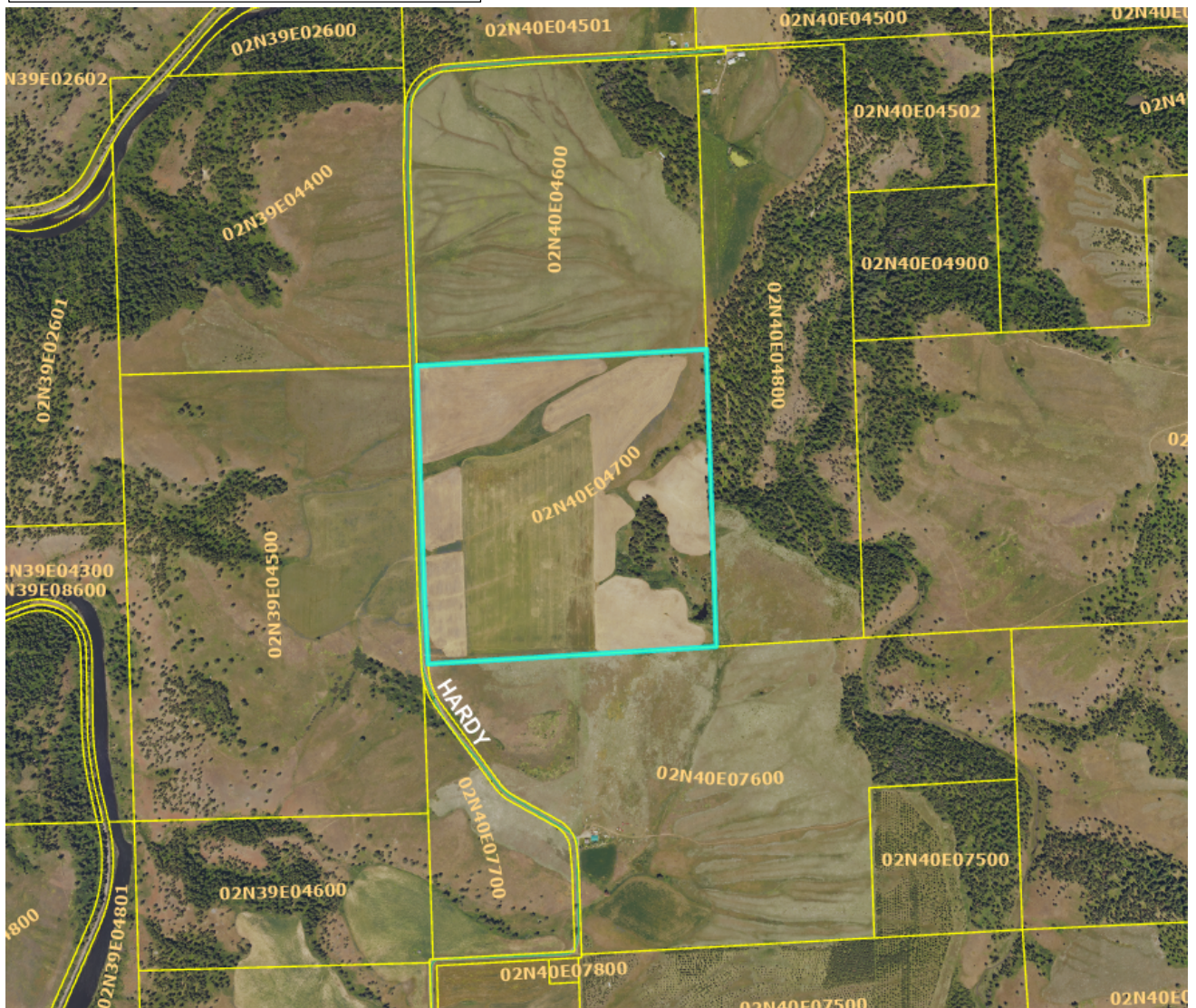
The applicant, as agent for the property owners, is requesting approval of an ownership lot of record dwelling on the subject property. The subject property is shown in **Figure 1**.

A lot of record dwelling is considered a nonfarm dwelling because the approval of the dwelling is not dependent on the owners conducting farming on the parcel. As the 2024 aerial used in Figure 1 shows, the property is currently used for farming.

The predominant soil of the subject parcel 39C, Lookingglass silt loam, at 145 acres, Class III. According to the Soil Survey of Union County created by the United States of Agriculture Soil Conservation, Soil 39C retains 2 to 20 percent slopes. Most areas of this unit are used for crops, mainly wheat and alfalfa hay, a few areas are used for timber production and wildlife habitat. The soil unit is poorly suited to home site and recreational development. Main limitations are the very slow permeability of the clay subsoil, shrinking and swelling of the soil and low soil strength. There are 13 acres of soil 40C, which is a forest soil.

The parcel is described as real estate owned by Charles Evers in the final account files for Charles Orris Evers, deceased. The Order Approving Final Account and Closing Estate was approved October 31, 1963. The description of the parcel has not changed since the probate document was created and so the parcel is considered a lawfully created parcel.

Figure 1. Subject Property, outlined in blue



The subject tract is within the Elgin School District and fire protection is provided by the Oregon Department of Forestry.

The property is within the Winter Critical Big Game Habitat, **Figure 2**. It is near but not adjacent to an ODFW Priority Wildlife Connectivity Area connector corridor, **Figure 3**. There is one small wetland located in the southeast corner.

Figure 2. Big Game Winter Critical Habitat

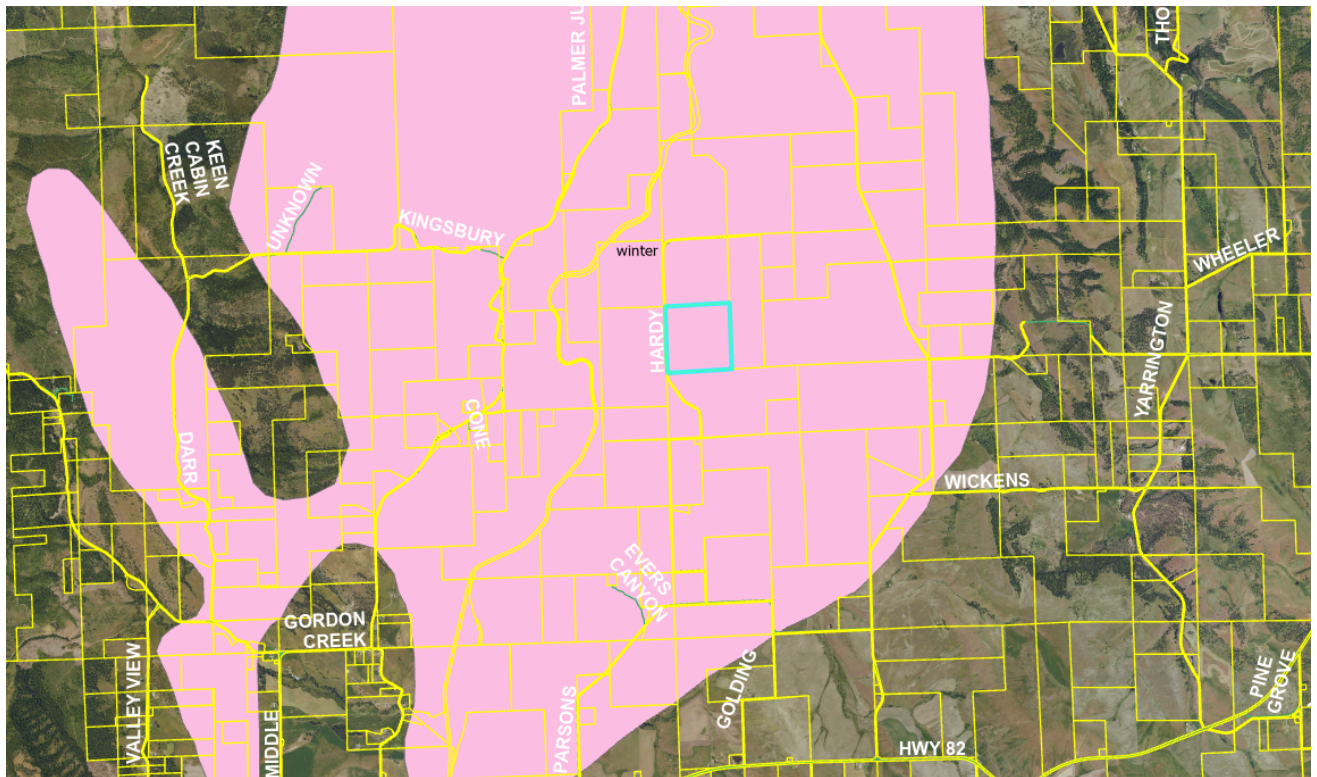


Figure 3. ODFW Priority Wildlife Connectivity Area connector corridor



IV. AGENCY COMMENTS

Jon Paustian, Grande Ronde Watershed Wildlife Habitat Biologist, sent comments regarding the tract. He identifies that the tract is located within Big Game Habitat and adjacent to a Priority Wildlife Connectivity Area connector. Connectors act as structural links that bridge larger habitat patches. He recommends locating the home site in proximity to other dwellings and agrees that the NW corner of the tract will reduce disturbance to wildlife. The full comments are attached to this 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 the relevant regulations. Sections in regular type denote staff analysis of the application.

UCZPSO Article 2.00 – A-1 Exclusive Farm Use Zone

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).

- 17. One single-family dwelling on a lawfully created lot or parcel subject to Subsection 2.05.26.B and Section 2.09.**

Findings: The parcel was lawfully created through probate in 1963 and the legal description of the property has not changed.

Section 2.05 Use Standards

Subsection 26.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: The owners are required to execute and record this waiver with the Union County Clerk of the Court before the Planning Department can issue any zoning permit approvals. This is included as a condition of approval.

Section 2.09 Ownership Lot of Record Dwelling

- 1. A dwelling may be approved on a pre-existing lot or parcel if:**

- A. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in paragraph 5: (1) Since prior to January 1, 1985; or (2) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.**

Findings: As described in Section III of this staff report, the parcel was lawfully created as it is described in a probate document approved by the court in 1963 and the legal description has not changed from that date.

Per the information provided in the applicant's narrative, this parcel has remained in the same family's ownership by devise or intestate since prior to 1985.

B. The tract on which the dwelling will be sited does not include a dwelling;

Findings: The parcel is vacant and there are no adjacent parcels under the same ownership.

C. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993; no dwelling exists on another lot or parcel that was part of that tract;

Findings: A review of the records of adjacent parcels indicates that none of the parcels were under the same ownership on November 4, 1993, so no tract existed on that date.

D. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Land Use Plan and land use regulations and other provisions of law;

Findings: The proposed dwelling is not prohibited by the Land Use Plan or any other land use regulation. The dwelling must comply with all regulations at the time of construction.

E. The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in paragraphs 3 and 4; and

Findings: The parcel is not considered high-value farmland. The soils are 39C and 40C, both deemed to be forest soils by Union County. However, as previously described in Section III of this staff report, soil 39C is mostly identified as a crop soil and is used as such for this parcel but it does not meet the definition of high-value farmland.

F. When the lot or parcel on which the dwelling will be sited lies within an area designated in the Land Use Plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged Land Use Plan and land use regulations intended to protect the habitat are based.

Findings: The parcels fall within the Winter Critical Big Game Habitat overlay. Appendix N of the Land Use Plan, Page 79, states, "Development should be of low density, allowing for normal agricultural and forest uses. Residential densities should generally not exceed 1 per 40 acres. However, on some critical big game winter ranges partitioning or subdividing is not recommended." The parcel total is approximately 156 acres so a dwelling on this tract would not exceed the recommended density.

2. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

Findings: There are no adjacent parcels under the same ownership and no tract exists.

5. For purposes of paragraph 1, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members;

Findings: The relationships between family members that the land has passed down to meet the definition of "owner."

6. The county assessor shall be notified that the governing body intends to allow the dwelling.

Findings: The Planning Department has notified the County Assessor of this application and will notice the Assessor of the Planning Commission's decision.

- 7. An application for a single-family dwelling that is approved under this section may be transferred by a person who has qualified under this section to any other person after the effective date of the land use decision.**

Findings: The ability to construct a dwelling under this approval may be transferred one time by the owners who have qualified for the dwelling to any other person after the effective date of approval.

Section 2.06 Conditional Use Review Criteria

- 1. An applicant for a use permitted in Section 3.04 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 Use processes, procedures, and standards for specific uses, which are being followed by this review. 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 of Article 24 is the application review procedures, which 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 subsection 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 subsection 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 subsection 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 subsection 2 and 3.

Findings: The subject property is currently farmed. Parcels to the north and south are zoned Exclusive Farm Use and parcels to the east and west are zoned Timber Graining. The majority soils of surrounding parcels are forest soils and there are some forest lands, one immediately adjacent to the east, see Figure 1. Other parcels show evidence of dry farming and, perhaps, are used to graze cattle.

There are few dwellings in this area, one on the parcel to the east, built in 1987 and most likely a replacement dwelling, and another located two parcels to the north, built in 1890. There are also a few dwellings along Good Road to the east.

The dwelling proposed by this application is considered a nonfarm dwelling because the approval of the dwelling is not reliant upon the owners being agricultural operators. The few other residential uses in the area appear to have been established 40 years ago or more. The installation of a new dwelling not associated with a farming use may create impacts.

However, it is unlikely to force surrounding farm or forest operators to alter accepted practices — such as tilling, planting, harvesting, spraying, grazing, or timber management — nor should it significantly increase the cost of those practices. A new dwelling should impose no new restriction on neighboring operations. The recordation of the farm and forest practices waiver required by OAR 660-033-0130(30) / UCZPSO 2.05.26.B further protects surrounding operators by barring the owners and their successors from claims against accepted farm or forest practices.

Article 20 – Supplementary Provisions

Section 20.09 - SIGNIFICANT GOAL 5 RESOURCE AREAS

6. The reviewing body may impose the following conditions, as applicable upon a finding of fact that warrants such restrictions:

C. Big Game Winter Range and Big Game Critical Habitat.

A proposed new structure requiring a conditional use may be required to:

- (1) Be located as close as possible to an ADJACENT compatible structure (a compatible structure shall be any structure which does not adversely affect the intended use of another structure);**
- (2) Share a common access road or where it is impossible to share a common access road, locate as closely as possible to the nearest existing public road in order to minimize the length of access from the nearest road.**

Findings: There are no dwellings in close proximity to this parcel, nor a common access road. In order to mitigate impacts to big game, a condition has been created to require the new dwelling to be built as closely as possible to the nearest existing public road. The condition proposed is to require the dwelling to be built within 400 feet of Hardy Road. This would be the area west of the orange line shown in **Figure 4**.

Figure 4. Development Area



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 Ownership Lot of Record Dwelling on June 22, 2026. The Planning Director deemed the application complete on June 30, 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 500 feet of the subject property on July 27, 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.



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FARM/FOREST LAND USE APPLICATION

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

Submission Date: _____

Applicant

Name(s)	Eva Henes, Atlas Land Use Consulting
Phone Number	
Email Address	
Mailing Address	42692 Pocahontas Road Baker City, OR 97814

Owner ☐ Same as Applicant

Name(s)	NEDERHISER, VICKIE J; DEWITT, JERRY E & VALERIE
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.
02N	40E	-	4700	A1	157.22	13625

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

Situs address or N/A

N/A

Purpose of the Application

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

OWNERSHIP LOT OF RECORD DWELLING

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

UCZPSO: A-1 EFU Zoning Section 2.09 (1)

Current Use of and Existing Structures on Property

vacant

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 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.

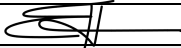
4) A copy of the latest **deed**.

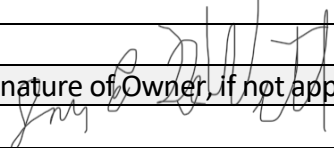
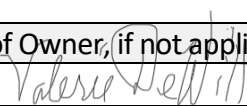
5) A map identifying all adjacent property under same ownership, and locations of any dwellings, if such conditions exist.

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

			
Signature of Applicant		Signature of Applicant	
Eva Henes	6/5/26		
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 _____

Payment Receipt Number _____

Application Number _____



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FARM/FOREST LAND USE APPLICATION

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

Submission Date: _____

Applicant

Name(s)	Eva Henes, Atlas Land Use Consulting
Phone Number	
Email Address	
Mailing Address	42692 Pocahontas Road Baker City, OR 97814

Owner ☐ Same as Applicant

Name(s)	NEDERHISER, VICKIE J; DEWITT, JERRY E & VALERIE
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.
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1) What use are you proposing that requires land use approval.

OWNERSHIP LOT OF RECORD DWELLING

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

UCZPSO: A-1 EFU Zoning Section 2.09 (1)

Current Use of and Existing Structures on Property
vacant

Required Attachments

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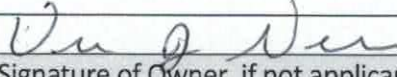
- 2) A vicinity map** showing the subject property and surrounding roads and adjacent properties.
- 3) A site plan**, see attached example.
- 4) A copy of the latest deed.**
- 5) A map identifying all adjacent property under same ownership, and locations of any dwellings, if such conditions exist.**

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

			
Signature of Applicant		Signature of Applicant	
Eva Henes	6/5/26		
Printed Name	Date	Printed Name	Date

			
Signature of Owner, if not applicant		Signature of Owner, if not applicant	
Vickie J. Nederhiser	6-7-26		
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 _____

Payment Receipt Number _____

Application Number _____

**WRITTEN NARRATIVE + APPLICATION MATERIALS for an
OWNERSHIP LOT OF RECORD DWELLING in the A-1 EXCLUSIVE FARM USE ZONE
TAX LOT 4700 – MAP 02N40E (Ref. No. 13625)**

Prepared by: Atlas Land Use Consulting

Date: June 6th, 2026

INTRODUCTION

This application requests approval for an ownership lot of record dwelling on land within Union County. The subject property has been held in single-family ownership since at least the 1960s, as evidenced by Attachment 1.

APPLICABLE CRITERIA

Union County Zoning, Partition, and Subdivision Ordinance:

ARTICLE 2.00- A-1 EXCLUSIVE FARM USE ZONE

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).

17. One single-family dwelling on a lawfully created lot or parcel subject to Subsection 2.05.26.B and Section 2.09.

One single-family dwelling is requested with this application. The subject property was lawfully created as evidenced by deed records (Attachment 1).

SUBSECTION 2.05.26.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.

The required documentation will be recorded with the deed for the subject property after approval of this application and prior to completing the land use process. It is assumed that this requirement will be made a condition of approval, which will be adhered to.

See findings for Section 2.09 beginning on page 2 of this written narrative.

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.

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.

A ownership lot of record dwelling can be permitted in the A-1 Zone, as outlined in state statute and UCZPSO. All conditions of approval imposed by the Planning Commission will be adhered to.

2. Other uses similar to those enumerated within specified zones except in the A-1, A-2, A-3 and A-4 Zones which are consistent with the purposes and intent of the applicable zone may be modified by the Planning Commission if the use is found:

- A. To be compatible with outright or conditional uses of the applicable zone.
- B. Not to interfere seriously with established and accepted practices on adjacent lands.
- C. Not to materially alter the stability of the overall land use pattern of the area.
- D. That the proposed use can comply with the standards of the zone, and
- E. To comply with such other conditions as the Planning Commission or its designate considers necessary to carry out the purposes of this ordinance.

A ownership lot of record dwelling can be permitted in the A-1 Zone, as outlined in state statute and UCZPSO.

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

The surrounding area is zoned UC-A1 and UC-A4 (Attachment 7). The greater area is dotted with dwellings north, east, and south of the subject property (Attachment 8). The majority of these dwellings are stand-alone homes that are not associated with a sizeable farm/ranch operation. Siting of an additional home in this area is not anticipated to have any appreciable effect on farm or forest practices in the area, as traffic to the site will be minimal and limited to that of a single-family home. The anticipated traffic to a single-family home is insignificant when compared to existing traffic counts on Hardy Road and other thoroughfares in the area.

3. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Siting of an additional home in this area is not anticipated to have any appreciable effect on the cost of farm or forest practices, as traffic to the site will be minimal and limited to that of a single-family home. The anticipated traffic to a single-family home is insignificant when compared to existing traffic counts on Hardy Road and other thoroughfares in the area. No impact to the cost of accepted farming or forest practices on nearby lands was identified in this application review.

SECTION 2.09 OWNERSHIP LOT OF RECORD DWELLINGS

1. A dwelling may be approved on a pre-existing lot or parcel if:

- A. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in paragraph 5:

- (1) Since prior to January 1, 1985; or

- (2) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

The subject property was created by deed prior to January 30th, 1964 and has remained in its current configuration since that time (Attachment 1).

According to deed records (Attachment 1) and property ownership details (Attachment 3), the subject property has been owned by the Nederhiser/Dewitt family continuously and since prior to January 1st, 1985.

- B. The tract on which the dwelling will be sited does not include a dwelling;

No dwelling is located on the subject property, according to Union County Assessor records (Attachment 6) and as supported by aerial imagery (Attachment 5).

- C. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993; no dwelling exists on another lot or parcel that was part of that tract;

According to Union County Assessor's records and ownership history, the subject property has remained in its current configuration since at least 1964 and was not part of a tract on November 4, 1993 which contained a dwelling. No record of a dwelling has been identified in related property searches.

- D. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Land Use Plan and land use regulations and other provisions of law;

As described in Attachment 3, the current property owners, Vickie Nederhiser and Jerry (Valerie) Dewitt, are niece and nephew of Eloise Hardy, who has maintained ownership through familial connection since before the January 1st, 1985 cut off date.

- E. The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in paragraphs 3 and 4; and

According to NRCS Web Soil Survey information (Attachment 2), non-irrigated soils on the subject property are classified as Type III and Type VI, which are not considered high-value farmland.

- F. When the lot or parcel on which the dwelling will be sited lies within an area designated in the Land Use Plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged Land Use Plan and land use regulations intended to protect the habitat are based.

The subject property is located within a designated big game habitat area and, as such, all siting requirements for a dwelling will be adhered to.

2. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

The subject property is not part of a tract, as the property has been and is still described as a sole and discrete parcel in Union County deed records (Attachment 1). See definitions for 'TRACT' and 'CONTIGUOUS' in the UCZPSO.

3. Notwithstanding the requirements of subparagraph 1.E, a single-family dwelling may be sited on high-value farmland if...

The subject property is not comprised of high-value farmland.

4. Notwithstanding the requirements of subparagraph 1.E, a single-family dwelling may be sited on high-value farmland if...

The subject property is not comprised of high-value farmland.

5. For purposes of paragraph 1, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members;

As described in Attachment 3, the current property owners, Vickie Nederhiser and Jerry (Valerie) Dewitt, are niece and nephew of Eloise Hardy, who has maintained ownership through familial connection since before the January 1st, 1985 cut off date required of lot of record dwellings.

6. The county assessor shall be notified that the governing body intends to allow the dwelling.

Is it assumed the County Assessor will be notified of this request by the Union County Planning Department through the land use notification process.

7. An application for a single-family dwelling that is approved under this section may be transferred by a person who has qualified under this section to any other person after the effective date of the land use decision.

Noted.

8. The county shall provide notice of all applications for ownership of record dwellings on high value farmland to the State Department of Agriculture. Notice shall be provided in accordance with land use regulations and shall be mailed at least 20 calendar days prior to the public hearing.

NRCS Web Soil Survey information (Attachment 2), no high-value farmland is present on the subject property.

SECTION 2.17 DEVELOPMENT STANDARDS

The following standards shall apply to all development in an A-1 Exclusive Farm Use Zone.

1. Any proposed division of land included within the A-1 Zone resulting in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the County (ORS 215.263).

No land division is proposed with this application.

2. Setbacks from property lines or road rights-of-way shall be a minimum of 20-feet front and rear yards and 10-feet side yards.

If approved, the ownership lot of record dwelling included within this application will meet all required setbacks of the UCZPSO.

3. Animal shelters shall not be located closer than 100 feet to an R-1 or R-2 Zone.

Not applicable to this request.

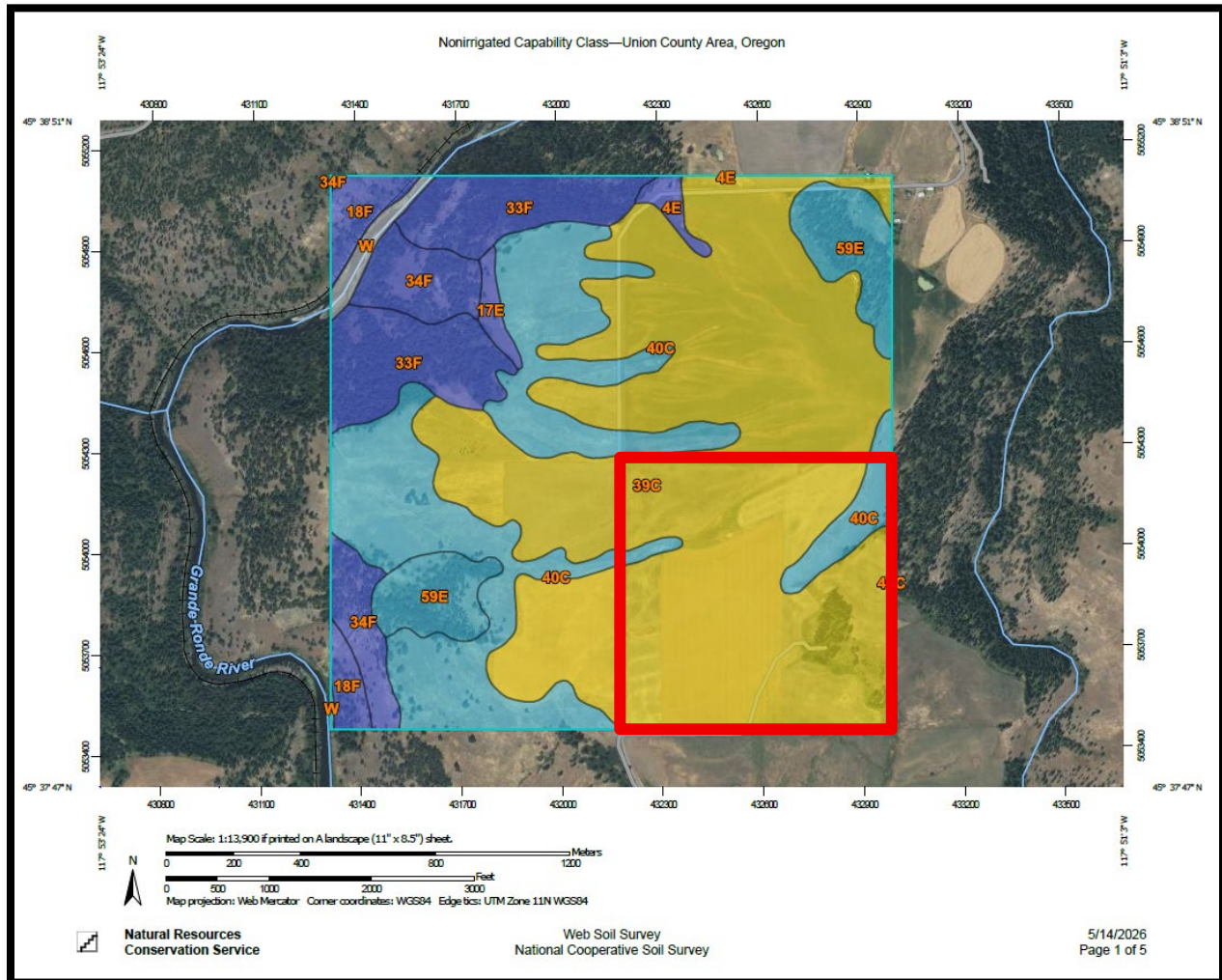
4. Signs shall be limited to the following...

A sign is not included in this request.

ATTACHMENT 1 – Deed Card – TL 4700 of 02N40E (Ref. No. 13625)

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTY									
UNION COUNTY ASSESSOR'S OFFICE									
TWP.		RGE. E.		SEC.		1/4 1/16		TAX LOT NUMBER	
MAP NUMBER		ACCOUNT NUMBER		TYPE		SPEC. INT. IN REAL PROP.		CODE AREA NUMBER	
2N 40				4700		U U 24, 5		23-2	
					FORMERLY PART OF T.L. NO. 41-13624 41-13625 41-13626				
					CITY 44-13627 45-13628				
INDENT EACH NEW COURSE TO THIS POINT		ADDITIONAL DESCRIPTION AND RECORD OF CHANGE				DATE OF ENTRY ON THIS CARD		DEED RECORD VOL. PG.	
								ACRES REMAINING	
		Sec. 19 Lots 3, 4 & E 1/4 SW 1/4 T2N R40EWM				Prob.		134 112 159.04 2385	
Except: Co. Rd.		1.82						157.22	
		JV 2239				1/30/64		ProF4878	
		JV 2240 & 1				1/30/64		Undivided Interest	
						11/27/67		156 346 UtilEase	
						"		156 349 UtilEase	
						"		156 351 UtilEase	
						"		156 353 UtilEase	
1. U2=Hardy, Eloine 1/8 int		18352-18355				1/17/74		Undivided int.	
u3=Rolls, Lorena 1/8 int		18352				1/17/73		"	
U4=DeWitt, Necia 1/8 int		18353				1/17/74		"	
U5=Evers, Ja ck 1/8 int		18354				1/17/74		"	
2. U3=Ralls, Lorena 1/8 int		18557				2/13/74		correct error	
2. U1= Evers, Pearl 1/2 int									
U2= Hardy, Eloine 1/8 int									
U3= Ralls, Lorena 1/8 int									
U4= DeWitt, Necia 1/8 int.									
U5= Evers, Jack 1/8 int									
Cancelled 4700U1		JV63880				11-4-94		AF94-60	
3. U2= Hardy, Eloine 1/4 int									
U3= Ralls, Lorena 1/4 int									
U4= Dewitt, Necia 1/4 int									
U5= Evers, Jack 1/4 int									
4. U2=Hardy, Eloine 1/4 Int						6/1/95		159185 SWD	
U3=Hardy, Eloine 1/4 Int									
U4=DeWitt, Necia 1/4 Int									
U5=Evers, Jack 1/4 Int									
5. U1 = Hardy, Eloine 1/2 int		JV64067				6-19-95		request	
U4 = DeWitt, Necia 1/4 int		Comb 4700U2&U3 to U1						Same Ownership	
U5 = Evers, Jack 1/4 int									

ATTACHMENT 2 – NRCS Soils Information (Non-Irrigated)



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

-  Capability Class - 1
-  Capability Class - 2
-  Capability Class - 3
-  Capability Class - 4
-  Capability Class - 5
-  Capability Class - 6
-  Capability Class - 7
-  Capability Class - 8
-  Not rated or not available

Soil Rating Lines

-  Capability Class - 1
-  Capability Class - 2
-  Capability Class - 3
-  Capability Class - 4
-  Capability Class - 5
-  Capability Class - 6
-  Capability Class - 7
-  Capability Class - 8
-  Not rated or not available

Soil Rating Points

-  Capability Class - 1
-  Capability Class - 2

-  Capability Class - 3
-  Capability Class - 4
-  Capability Class - 5
-  Capability Class - 6
-  Capability Class - 7
-  Capability Class - 8
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Union County Area, Oregon
Survey Area Data: Version 23, Sep 10, 2025

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 4, 2020—Aug 14, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



Nonirrigated Capability Class

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
4E	Anatone extremely stony loam, 2 to 35 percent slopes	7	4.4	0.6%
17E	Gwinly very cobbly silt loam, 20 to 40 percent slopes	7	4.6	0.7%
18F	Gwinly-Rockly complex, 40 to 70 percent slopes	7	16.3	2.4%
33F	Klicker stony silt loam, 40 to 65 percent north slopes	7	64.0	9.4%
34F	Klicker stony silt loam, 40 to 65 percent south slopes	7	33.0	4.8%
39C	Lookingglass silt loam, 2 to 12 percent slopes	3	367.1	53.7%
40C	Lookingglass very stony silt loam, 2 to 20 percent slopes	6	148.1	21.7%
59E	Tolo silt loam, 12 to 35 percent slopes	6	40.4	5.9%
W	Water		6.1	0.9%
Totals for Area of Interest			684.1	100.0%

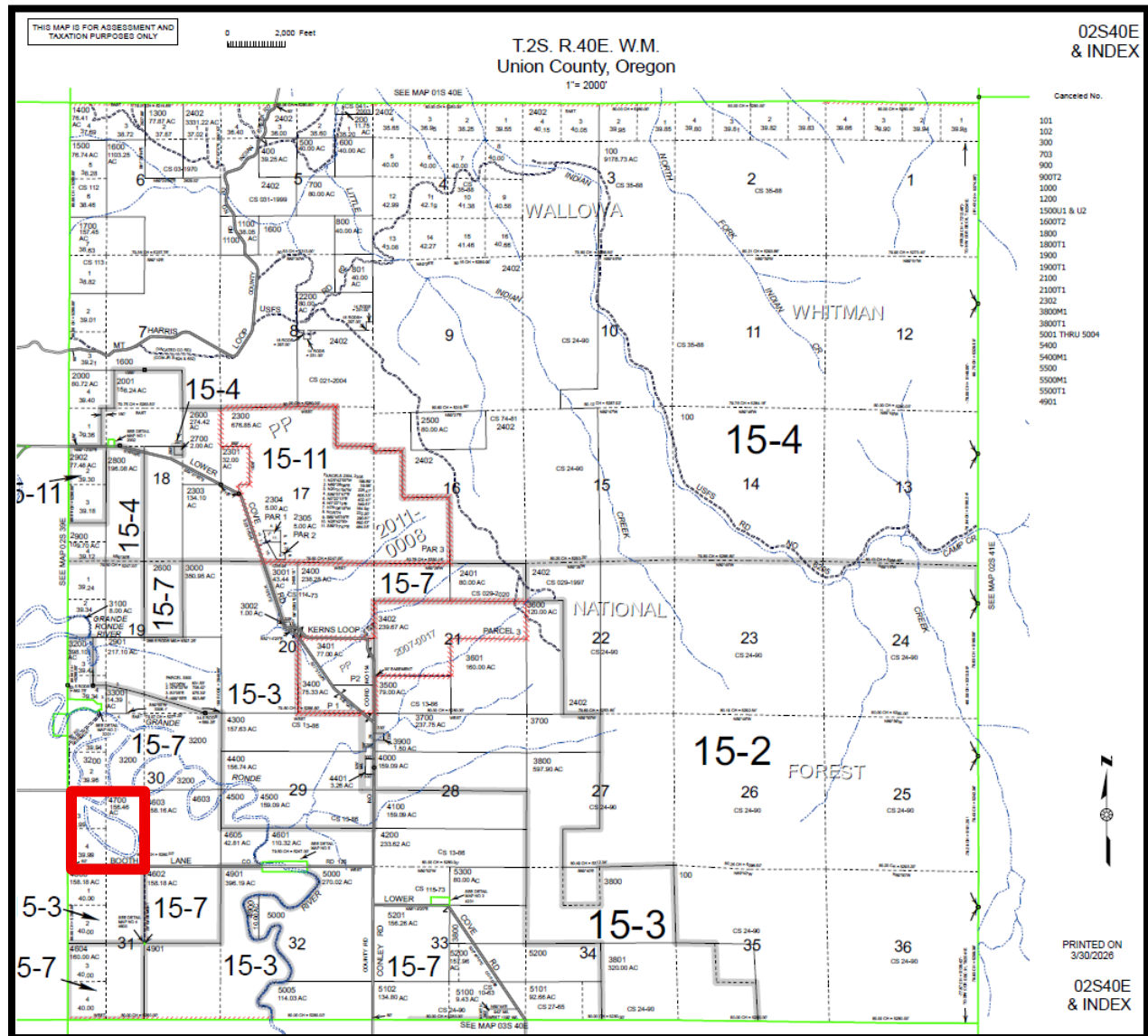


ATTACHMENT 3 – Family History as Provided by Property Owners

*Jerry Dewitt/Vickie Nederhiser
Hardy/Evers family history.*

1. *Eloine Hardy*
Eloine is an aunt to Jerry and Vickie. She bought Lorena Rall's share.
2. *Lorena Ralls*
Lorena is Jerry and Vickie's aunt. Sold to Eloine.
3. *Necia Dewitt*
Necia is Jerry Dewitt's mother, Vickie's aunt
4. *Jack Evers*
Jack is Vickie's father, Jerry's uncle.
6. *Pearl Evers*
*Jerry and Vickie's grandmother. Mother to Eloine, Lorena, Necia and Jack.
Married to Charles Evers who passed away early and only received half from
Charles.*
*Four Hardys inherited Eloine Hardy's share. Those Hardy's were cousins to
Jerry and Vickie. Jerry and Vickie bought out the cousins a few years ago.*

ATTACHMENT 4 – ORMap Tax Lot Map



Attachment 5 - Union County Assessor Records (Improvements)

Union County, OR | Property Search Online

Account 13625

Assessment Summary

Account

Taxes

Sales History

Value History

Reports

Files

Real Property
Situs Address

Mailing Address

Map and Taxlot

Related Accounts

Name Ledger

Names

Account Paid

Assessment

Assessment Year 2025

Type	RMV	MAV	AV
Land	\$197,430		
Improvements	\$0		
Total	\$197,430	\$0	\$20,640

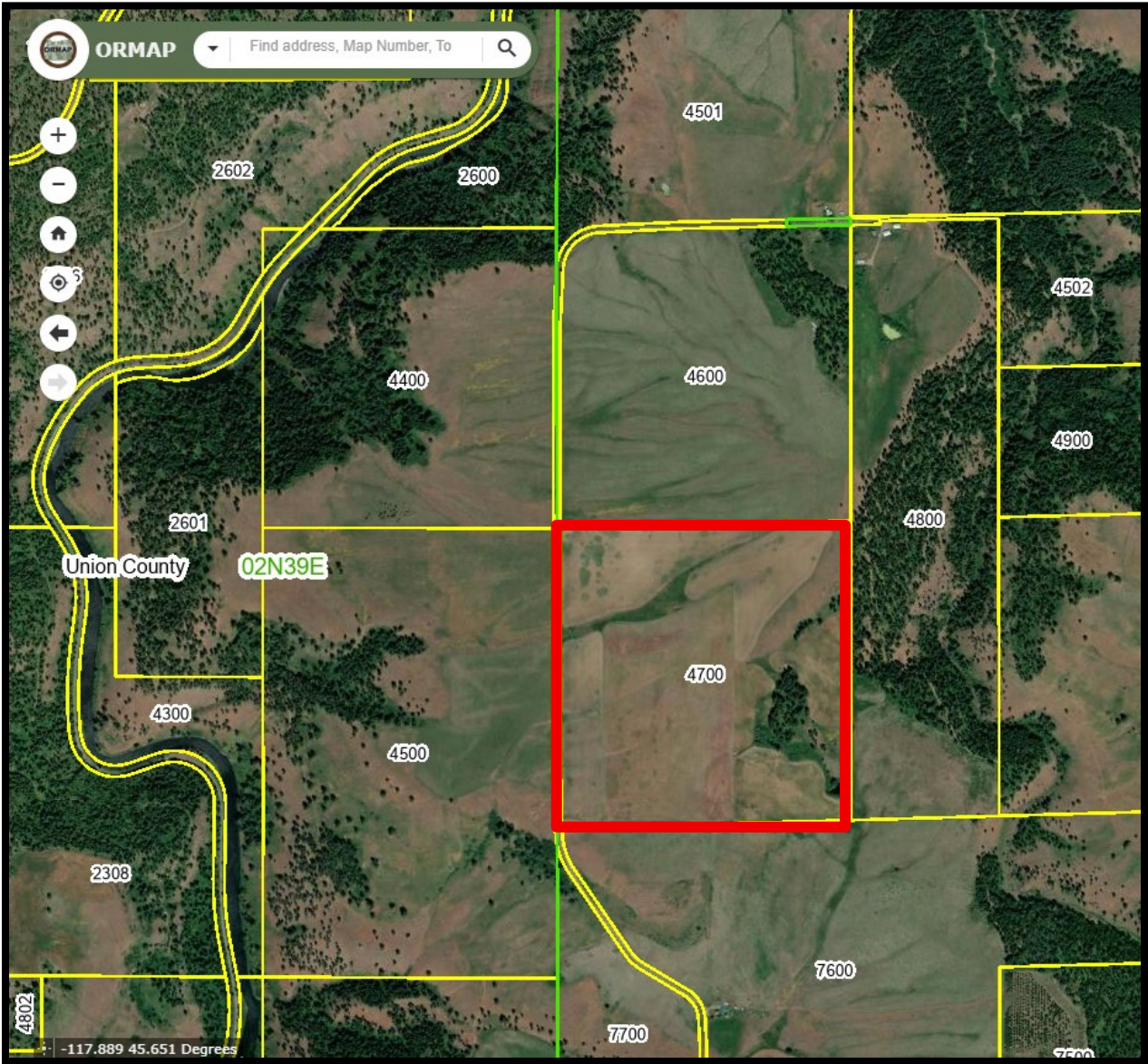
Assessment Summary

Account Status	Active
Size	157.22 Acre(s)
Property Class	550 - FARM EFU SPCL ASSMT VACANT
Legal Description	See Record
Notations	SPECIALLY ASSESSED Details
Special Assessments (2)	\$20.00

Improvements

Bldg #	Year Built	Description	Livable Size	Stat Class	Code Area
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Attachment 6 – Aerial Imagery of the Subject Property



Attachment 7 – Surrounding Zoning



Attachment 8 – Surrounding Dwellings

