



UNION COUNTY Planning Department

Inga Williams
Planning Director

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APPLICATION NUMBER: 2026-0040

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) 2.09 Ownership Lot of Record Dwelling; UCZPSO 21 Conditional Uses; UCZPSO 2.04.17, 2.05.26.B, 2.06
Property Owner & Applicant	Barbara L. Smutz
Property Location	Township 3 South, Range 38 EWM, Section 22; Tax Lot 6600 (Tax ID. 5679), located on the south side of McAlister Rd east of Foothill Rd
Zone Designation	A-1 Exclusive Farm Use Zone
Comprehensive Plan Designation	Exclusive Agriculture
Parcel Size	~109.31 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. 2026-0040. 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. 2026-0040. 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 of the dwelling 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 shall be located in an area of the parcel that has a rangeland soil classification and not on high-value farmland soils.
4. The new dwelling shall comply with all land use regulations and building requirements.
5. A floodplain permit is required prior to approval of any development on or development permit for the subject property. All construction methods and designs will need to meet the required floodplain construction standards as set forth by the State of Oregon and FEMA.
6. This dwelling approval is for Barbara Smutz and may be transferred only once to a new owner if the present owner chooses not to construct the dwelling.

III. BACKGROUND AND PROPERTY INFORMATION FINDINGS

The subject property is a lawfully created parcel first described by deed in 1947 recorded as Deed Book 115, Page 2. It is described as “Section 22: ...the south half of southeast quarter and the east 990 feet of the southeast quarter of southwest quarter.” The owner owns other parcels within Section 22 and Section 21, but none of the other parcels are contiguous with the subject property. Therefore, no tract exists.

The owner is requesting approval of an ownership lot of record dwelling on the subject property. 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. However, the property is currently being used for farming and the applicant states that the parcel will be continued to be used as a small pasture track or small livestock operation in addition to the dwelling.

The applicable approval criteria in UCZPSO Section 2.09 allows a dwelling on a lawfully created parcel that the same family has owned continuously since before January 1, 1985. The current owner of record is Barbara Smutz. Barbara is the widow of Lawrence L. Smutz, who was the son of Lynn and Thelma Smutz. The property has been in the Smutz family since 1947.

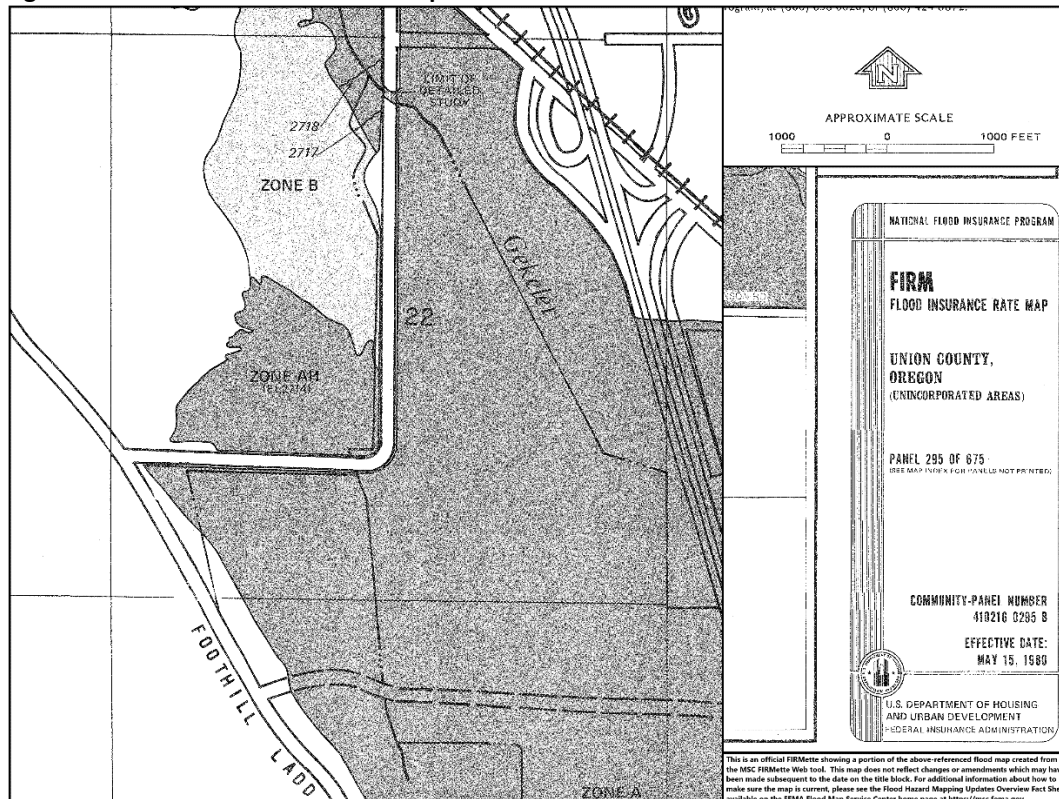
There is a wetland in the southwest corner of the property labeled as PEM1A and a freshwater emergent wetland (ditch/creek) on the property, Figure 1. The entire parcel is within the 100-year floodplain, Figure

2. A Floodplain Development Permit will be required prior to the owner acquiring doing any development or requesting any development permit approval, other than this application. The property is within Zone A which is designated by FEMA to be an, “Area of 100-year flood; base flood elevations and flood hazard factors not determined”.

Figure 1. Statewide Wetlands Inventory – parcel boundary in yellow is approximate.

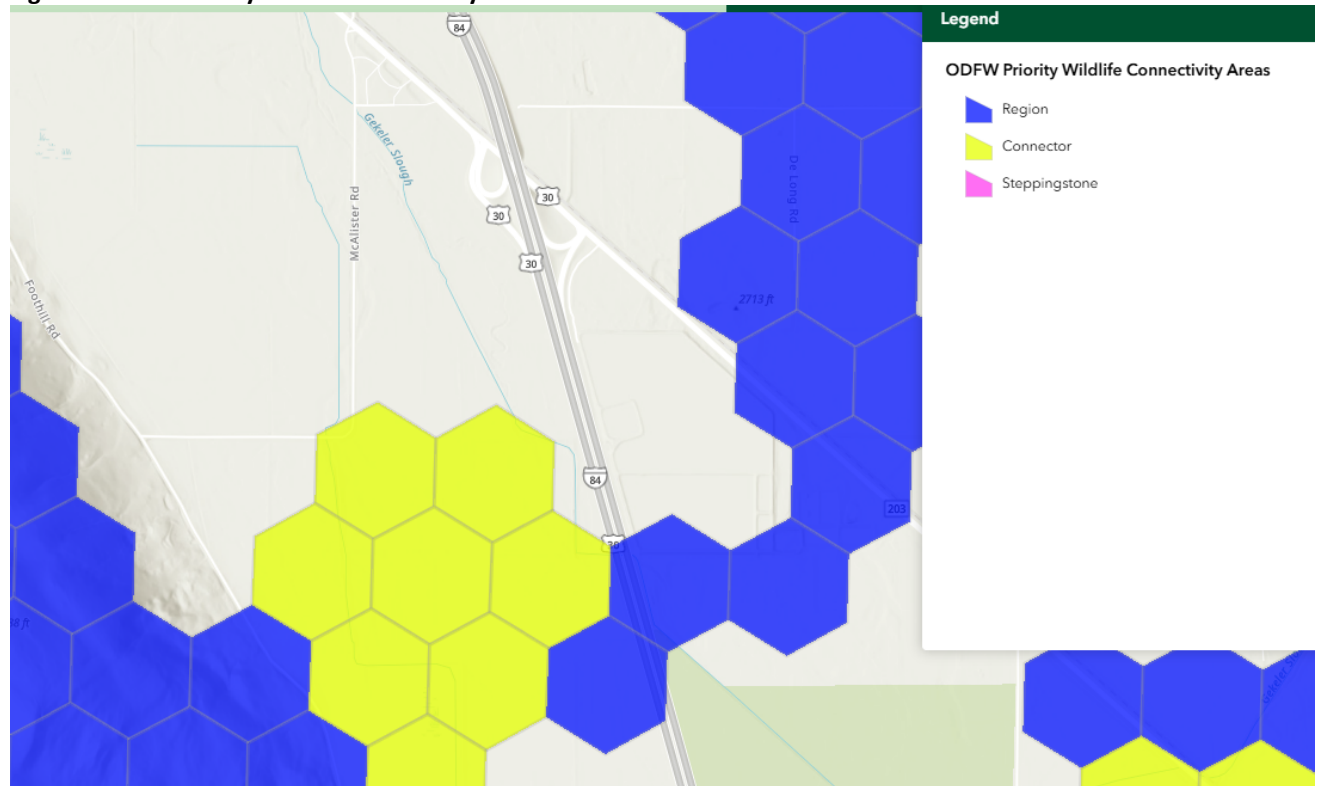


Figure 2. FEMA Flood Insurance Rate Map



The parcel is not within the big game habitat overlay and not designated as winter critical habitat. However, it is within an ODFW Priority Wildlife Connectivity Area connector corridor, Figure 3.

Figure 3. ODFW Priority Wildlife Connectivity Area connector corridor



No dwelling has ever existed on the parcel. The subject parcel is within the La Grande School District and within the La Grande Rural Fire Protection District.

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 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.

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 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 is determined to be a lawfully established parcel. The parcel was first described by deed in 1947 which predates the November 8, 1973 cutoff for parcels divided by deed.

The parcel has been transferred by devise within the Smutz family since prior to 1985. Lawrence L. "Spark" Smutz and Barbara Smutz were added to the Thelma Smutz Life Estate in 1987 (Doc. 121373). Thelma was Lawrence's mother and owned the parcel with her husband, Lynn, who was deeded the property by Charles Smutz, Reba Smutz, D Smutz, and Doris L. Smutz in 1947 (Book 115 Page 2). The criterion has been met.

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

Findings: The parcel is discrete and does not contain a dwelling. This criterion satisfied.

- 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: Tax records indicate that no dwelling was located on the parcel as of November 4, 1993. Also, using the earliest aerial imagery at our disposal (NAIP 1995, Figure 4), there is no evidence that a dwelling existed on the parcel at that time or had been recently removed. This criterion is satisfied.

Figure 4. NAIP 1995 Oregon Aerial Imagery photo of parcel.



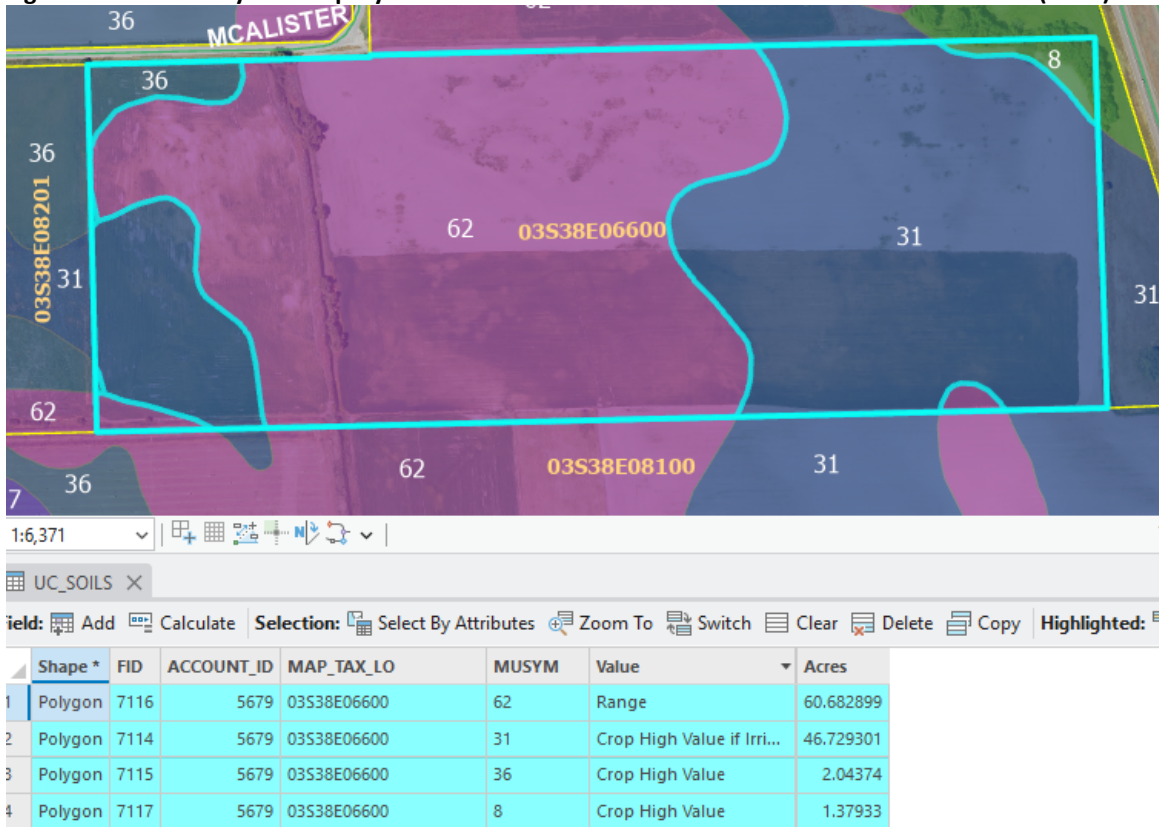
D. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Land Use Plan and land use regulations and other provisions of law;

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. This includes the application for and approval of a Floodplain permit.

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 parcel, Tax lot 6600, contains ~50-acres of high-value crop land, which is roughly 45.6% of the entire tract. The majority of the soils are range soils at ~60-acres, or 53.4%. Because the property is not predominantly composed of high-value soils, it does not meet the definition of high-value farmland, Figure 5.

Figure 5. Union County soils map layer based on the USDA Natural Resources Conservation Service (NRCS) data.



- 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 parcel does not fall within the Big Game Habitat overlay. However, it does fall within ODFW's Priority Wildlife Connectivity Area.

- 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: The parcel is not part of a tract and therefore does not require consolidation. This criterion does not apply.

- 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 family members that the land has passed down to comprise relationships that 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 parcel has historically been used for farming. All adjacent parcels are zoned Exclusive Farm Use between Foothill Road and Interstate 84 (I-84) and appear to be used for farming currently. Land west of Foothill Road is zone Timber Grazing and is a steep hillside, mostly composed of

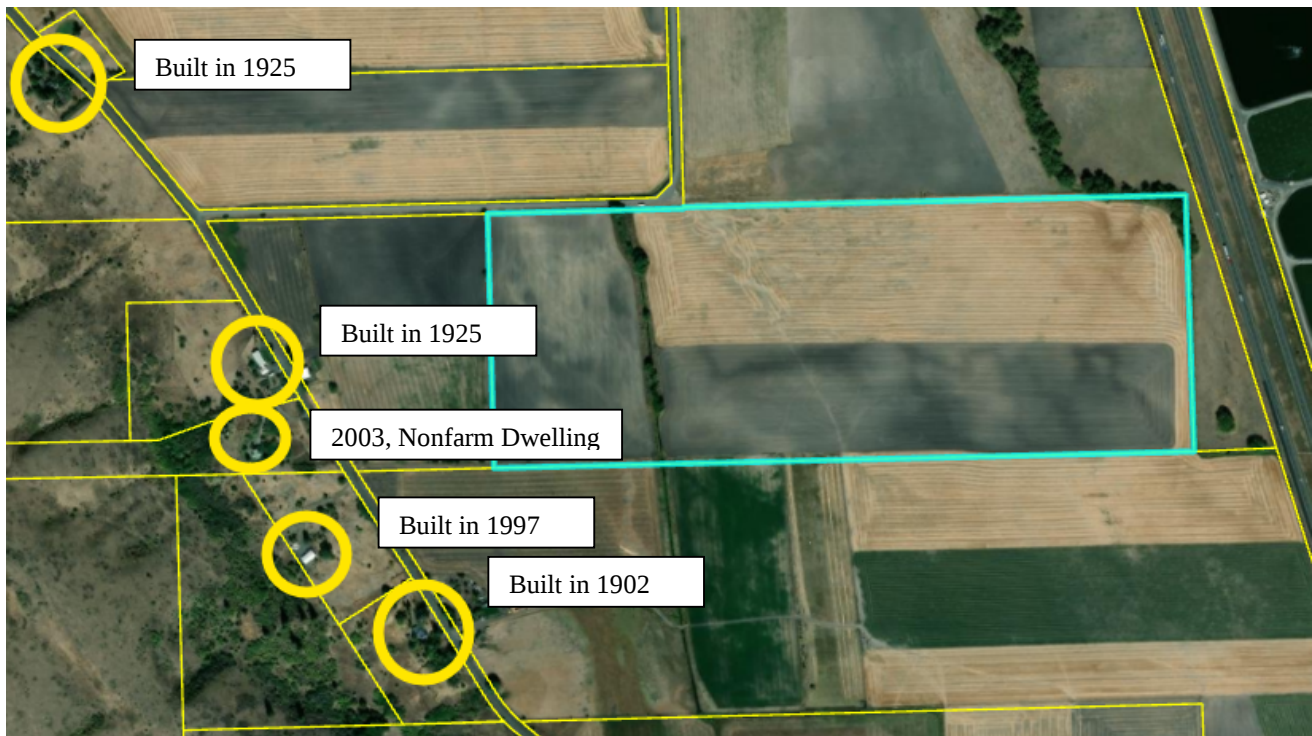
rangeland. A corner of the parcel is only slightly separated by another parcel from I-84. I-84 divides farmland to the east from the subject parcel. The City of La Grande's wastewater lagoons east of the subject parcel.

There are 5 dwellings located in close proximity of the subject parcel. All are located west of Foothill Road. Figure 6 displays when the home was built and if any Land Use approvals were found with the associated dwelling. No dwellings are located on parcels immediately adjacent to the subject parcel.

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 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 will 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.

Figure 6. Nearby residential use



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 July 13, 2026. The Planning Director deemed the application complete on July 26, 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 August 27, 2026 and published in the East Oregonian newspaper on September 16, 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: 7/13/2026

Applicant

Name(s)	Lawrence L. "Spark" Smutz and Barbara L. Smutz Family Trust
Phone Number	
Email Address	
Mailing Address	60040 Foothill Road La Grande, OR 97850

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.
35	38	22	6600	UC A 1	109.31	5679

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.
Lot of record

2) Cite the applicable Zoning, Partition and Subdivision Ordinance (UCZPSO) section(s).
Farm use zone Article 2.04.17

Current Use of and Existing Structures on Property
Farm ground no structures

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 most recent **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 <i>Barbara L. Smutz</i>		Signature of Applicant	
Barbara L. Smutz <i>Barbara L. Smutz</i>	7/13/2026 <i>7</i>		
Printed Name <i>Smutz</i>	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 07/26

Payment Receipt Number 328788

Application Number 2026-0040

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 [Recorded in book 150 page 385 in attached document January 18, 1965.](#)
 - (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. [See above.](#)
 - B. The tract on which the dwelling will be sited does not include a dwelling; [True](#)
 - 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; [N/A](#)
 - 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; [Yes](#)
 - 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 [Dwelling will be sited on rangeland soils per attached soil map.](#)
 - 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. [It is not located in big game winter habitat area per ODFW.](#)
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; [N/A](#)
3. Notwithstanding the requirements of subparagraph 1.E, a single-family dwelling may be sited on high-value farmland if: [Will be sited on rangeland soils.](#)
 - A. It meets the other requirements of paragraphs 1 and 2; [Yes](#)
 - B. The lot or parcel is protected as high-value farmland as defined in OAR 660-033-0020(8) (a); [No, 60.68 acres of range soils and 50.15 acres of high value.](#)
 - C. The Planning Commission determines that:
 - (1) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. [Would be utilized as a small pasture track or small livestock operation.](#)
 - (a) For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrates

that a lot of parcel cannot be practicably managed for farm use. Union County has many parcel that are managed by small farming or livestock parcels.

- (b) Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. No extraordinary circumstances are present on the property.
- (c) A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use; Does not apply.

(2) The dwelling will comply with the provisions of 2.06; and Yes

(3) The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in paragraph 2.10.1.A True

4. Notwithstanding the requirements of subparagraph 1.E, a single-family dwelling may be sited on high-value farmland if:
- A. It meets the other requirements of paragraphs 1 and 2;
 - B. The tract on which the dwelling will be sited is:
 - (1) Identified in OAR 660-033-0020(8) (c) or (d);
 - (2) Not sited on high-value farmland defined in Section 2.02; and
 - (3) Twenty-one acres or less in size; and
 - C. The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or
 - D. The tract is not a flag lot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or
 - E. The tract is a flag lot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary:

- (1) "Flag lot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.
 - (2) "Geographic center of the flag lot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flag lot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flag lot. N/A
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; The applicant is the widow of Lawrence L. Smutz who was the son of Lynn and Thelma Smutz.
6. The county assessor shall be notified that the governing body intends to allow the dwelling. Yes
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. Applicant understand the dwelling permit can be transferred one time.
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. N/A

20151552

Please send tax statements to:

Lawrence and Barbara Smutz
60040 Foothill Road
La Grande, OR 97850

After recording return document to:

Steven J. Joseph
Attorney at Law
P. O. Box 3230
La Grande, OR 97850

GRANTOR:

Lawrence L. "Spark" Smutz and Barbara L. Smutz
60040 Foothill Road
La Grande, OR 97850

GRANTEE:

Lawrence L. "Spark" Smutz and
Barbara L. Smutz, Co-Trustees
60040 Foothill Road
La Grande, OR 97850

STATUTORY BARGAIN AND SALE DEED

For the consideration of \$0.00 and other good and valuable consideration for estate planning purposes, Lawrence L. "Spark" Smutz and Barbara L. Smutz, Grantors, convey to Lawrence L. "Spark" Smutz and Barbara L. Smutz Co-trustees of the Lawrence and Barbara Smutz Family Trust U/A/D May 21, 2015, Grantee, the following described real property in Union County, State of Oregon:

PARCEL ONE:

IN TOWNSHIP 3 SOUTH, RANGE 38 EAST OF THE WILLAMETTE MERIDIAN

Sections 21 and 22:

The parcel of land in the northeast quarter of southeast quarter of Section 21 and in the north half of southwest quarter of Section 22 described as:

Beginning at a point on the northeasterly line of the County Foothill Road, North 2029.8 feet and West 290.7 feet, more or less, from the southeast corner of Section 21 (said point being a 1½ inch galvanized pipe driven in the ground); thence North 64°28' East 75.8 feet to the TRUE POINT OF BEGINNING of the land to be hereby described.

From said true point of beginning running thence North 64°28' East 92.3 feet; thence North 37°12' West 410 feet; thence South 60°51' West 226.8 feet (following the lines of the land conveyed to Will Hartley Brown and wife) to the northeasterly line of said Foothill Road; thence North 38°26' West 446 feet along the east line of said Foothill Road to the north line of the northeast quarter of southeast quarter of Section 21; thence South 89°05' East along the sectional subdivision line 3560.5 feet to the west line of the county road; thence South 0°22' West 589 feet along the west line of said county road; thence North 89°12' West 2916.7 feet to the true point of beginning.

(03S38-6400; Ref #5677)

SITUATE IN the County of Union, State of Oregon.

PARCEL TWO:

IN TOWNSHIP 3 SOUTH, RANGE 38 EAST OF THE WILLAMETTE MERIDIAN

Section 21: The south half of north half, the west half of southeast quarter, and the southwest quarter EXCEPTING THEREFROM the west half of west half of southwest quarter of southwest quarter.

Section 22: The south half of northwest quarter; the south half of southeast quarter and the east 990 feet of the southeast quarter of southwest quarter.

Section 28: The east half of northwest quarter and the east half of west half of northwest quarter.

(03S38-6200; Ref #4991)

(03S38-6200; Ref #5673)

(03S38-6600; Ref #5679)

SUBJECT TO all liens and encumbrances of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.


LAWRENCE L. "SPARK" SMUTZ


BARBARA L. SMUTZ

///

///

STATE OF OREGON)
 ss:
COUNTY OF UNION)

DATED: May 21, 2015

Personally appeared before me the above named Lawrence L. "Spark" Smutz and Barbara L. Smutz and acknowledged the foregoing to be their voluntary act and deed.



Jo Ann Marie Hefner
Notary Public for Oregon

STATE OF OREGON }
County of Union } SS

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

ROBIN A. CHURCH
Union County Clerk

by: Robin A. Church Deputy.
DCLS: 20151532
RCPT: 171421 60.00
5/29/2015 10:30 AM

Please Send Tax Statements To:

Thelma Smutz Family Trust
% Thelma Smutz
60038 Foothill Road
La Grande, OR 97850

After Recording Return Document To:

Phillip A. Mendiguren
Attorney at Law
P. O. Box 3230
La Grande, OR 97850

STATUTORY WARRANTY DEED

153293

For good and valuable consideration, THELMA SMUTZ, Grantor, conveys and warrants to THELMA SMUTZ, Trustee of the Thelma Smutz Family Trust U/A/D April 15, 1994, Grantee, the following described real property in Union County, State of Oregon, free of encumbrances, except as specifically set forth herein:

See Exhibit "1" attached hereto and made a part hereof.

TRACT B: An undivided one-half interest.

TRACT C: An undivided one-half interest.

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 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.



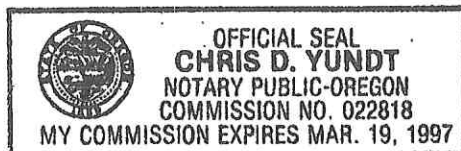
THELMA SMUTZ

STATE OF OREGON, County of Union))ss.

April 15, 1994.

Personally appeared before me the above-named Thelma Smutz and acknowledged the foregoing to be her voluntary act and deed.

(Seal)





TRACT "A":

IN TOWNSHIP 3 SOUTH, RANGE 38 EAST OF THE WILLAMETTE MERIDIAN

Sections 21

and 22:

The parcel of land in the northeast quarter of southeast quarter of Section 21 and in the north half of southwest quarter of Section 22 described as:

Beginning at a point on the northeasterly line of the County Foothill Road, North 2029.8 feet and West 290.7 feet, more or less, from the southeast corner of Section 21 (said point being a 1½ inch galvanized pipe driven in the ground); thence North 64°28' East 75.8 feet to the TRUE POINT OF BEGINNING of the land to be hereby described.

From said true point of beginning running thence North 64°28' East 92.3 feet; thence North 37°12' West 410 feet; thence South 60°51' West 226.8 feet (following the lines of the land conveyed to Will Hartley Brown and wife) to the northeasterly line of said Foothill Road; thence North 38°26' West 446 feet along the east line of said Foothill Road to the north line of the northeast quarter of southeast quarter of Section 21; thence South 89°05' East along the sectional subdivision line 3560.5 feet to the west line of the county road; thence South 0°22' West 589 feet along the west line of said county road; thence North 89°12' West 2916.7 feet to the true point of beginning.

SITUATE IN the County of Union, State of Oregon.

Tax Account No. 1-6 3S38 #6400 (ref. no. 05677)

TRACT "B":

IN TOWNSHIP 3 SOUTH, RANGE 38 EAST OF THE WILLAMETTE MERIDIAN

Section 16: Commencing at the northwest corner of the east half of northwest quarter; thence East along the section line 56 rods; thence South parallel with the centerline of said section 140 rods; thence West parallel with the north line of said section 56 rods; thence North 140 rods to the point of beginning.

Section 21: The north half of northeast quarter and the northeast quarter of northwest quarter EXCEPTING THEREFROM the parcel of land described as:

Beginning at a point which is 5827.8 feet south and 3189.3 feet east of the northwest corner of Section 16, Township 3 South, Range 38 East of the Willamette Meridian, said point being on the west side of the Foothill Road right of way situated in the northwest quarter of the northeast quarter of said Section 21; thence South 64°57' West 503.7 feet; thence North 25°03' West 346.0 feet; thence North 64°57' East 503.7 feet; thence South 25°03' East 346.0 feet to the point of beginning.

ALSO the south half of north half, the southwest quarter EXCEPTING THEREFROM the west half of west half of southwest quarter of southwest quarter thereof, and the west half of southeast quarter.

Section 22: The south half of northwest quarter; the south half of southeast quarter and the east 990 feet of the southeast quarter of southwest quarter.

Section 28: The east half of northwest quarter and the east half of west half of northwest quarter.

Tax Account Nos. 1-6 3S38 #6100 (ref. no. 05671)
1-3 3S38 #6200 (ref. no. 04991)
1-6 3S38 #6200 (ref. no. 05673)
1-6 3S38 #6600 (ref. no. 05679)
1-6 3S38 16 #700 (ref. no. 06256)

TRACT "C":

IN TOWNSHIP 5 SOUTH, RANGE 39 EAST OF THE WILLAMETTE MERIDIAN

Section 5: That portion of the northwest quarter of southwest quarter which lies westerly of the parcel of land acquired by State of Oregon, Department of Transportation by Decree in Condemnation Suit No. 21343, in the Circuit Court of the State of Oregon for County of Union.

Section 6: The southeast quarter of northeast quarter; the southeast quarter of northwest quarter; the east half of southwest quarter; and the southeast quarter excepting any portion of the southeast quarter of southeast quarter which lies easterly of the westerly line of the parcel of land acquired by State of Oregon, Department of Transportation by Decree in Condemnation Suit No. 21343, in the Circuit Court of the State of Oregon for County of Union.

Section 7: The north half of northeast quarter excepting any portion thereof lying easterly of the westerly line of the parcel of land acquired by State of Oregon, Department of Transportation in Decree in Condemnation Suit No. 21343 in the Circuit Court of the State of Oregon for County of Union.

All of said premises being situate in the County of Union and State of Oregon, and being subject to roads, ditches, utility easements and pipelines as same appear of record or exist on and across said premises.

Tax Account Nos. 1-19 5S39 #1000 (ref. no. 07447)
8-4 5S39 #1000 (ref. no. 09819)

TRACT "D":

The south half of the southeast quarter and the southeast quarter of the southwest quarter of Section 16, Township 3 South, Range 38 East of the Willamette Meridian, excepting therefrom the following:

A parcel situated in the south half of Section 16, Township 3 South, Range 38 East of the Willamette Meridian, more particularly described as follows, with reference to map of survey No. 4-85, as recorded in the office of the Union County Surveyor:

Beginning at a point on an existing fence line said point being North 89°29'41" West 2199.92 feet (North 19.40 feet and west 2199.83 feet) from the southeast corner of said Section 16; thence North 89°29'41" West along said existing fence line 499.87 feet; thence North 23°42'56" West 1433.28 feet to the intersection of an existing fence line; thence North 89°32'16" East along said fence line 296.80 feet to the centerline of the Foothill Ladd Canyon County Road as it exists upon the ground; thence South 23°42'56" East along said centerline 1120.70 feet; thence North 67°23'21" East 216.33 feet to an existing fence line; thence North 85°56'03" East along said fence line 129.40 feet; thence South 385.34 feet to the point of beginning of this description.

SUBJECT TO easements for public roads, ditches and power line as same appear of record or exist on and across said premises.

SUBJECT TO the following easement for a certain water well and water pipeline as reserved by Linnea Bailie in Deed Microfilm No. 115629, Union County, as follows:

An easement for an existing water well and an existing water pipeline, said easement is to be 10.00 feet in width, 5.00 feet on the north and 5.00 feet on the south of the following described centerline, with reference to map of survey No. 4-85, as recorded in the office of the Union County Surveyor: Beginning at an existing well, said well being North 81°37'26" West (North 284.58 feet and West 1932.74 feet) 1953.58 feet from the southeast corner of Section 16, Township 3 South, Range 38 East of the Willamette Meridian; thence North 88°41'10" West along the existing pipeline 267.30 feet to the east line of the property reserved by Linnea Bailie in said deed No. 115629. Said easement to be used for the maintenance of said well and pipeline.

SITUATE IN the County of Union, State of Oregon.

Tax Account Nos. 1-6 3S38 16 #1300 (ref. no. 06263)
1-6 3S38 16 #1302 (ref. no. 15501)

Said property is vested as follows:

TRACT "A": THELMA SMUTZ.

TRACT "B": THELMA SMUTZ, an undivided 1/2 interest; and

LAWRENCE L. "Spark" SMUTZ and BARBARA L. SMUTZ, husband and wife, as tenants by the entirety, an undivided 1/4 interest; and NADA J. SMUTZ, an undivided 1/4th interest, SUBJECT TO Life Estate of Thelma Smutz.

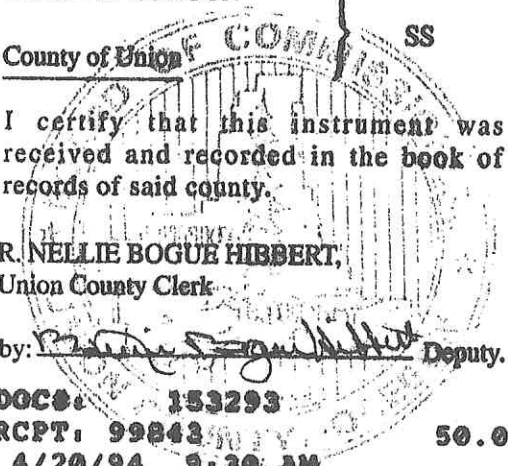
TRACT "C": THELMA SMUTZ, an undivided 1/2 interest; and

LAWRENCE L. "Spark" SMUTZ and BARBARA L. SMUTZ, husband and wife, as tenants by the entirety, an undivided 1/4 interest; and NADA J. SMUTZ, an undivided 1/4th interest, SUBJECT TO Life Estate of Thelma Smutz;

SUBJECT TO equitable interest of Dale L. Counsell and Charlene R. Counsell, husband and wife, as contract purchasers (Microfilm Document No. 136627).

TRACT "D": THELMA SMUTZ

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:  Deputy.

DOC# 153293

RCPT: 99843

4/20/94 9:30 AM

50.00

hereditaments and appurtenances situated in the County of Union, and State of Oregon, bounded and described as follows, to-wit:

Beginning at a point one hundred five (105) rods north and eighty (80) rods west from the center of section twenty (20), in township one (1) north range thirty-nine (39) east of the Willamette Meridian, in Union County, Oregon; running thence west four hundred ninety-five (495) feet; thence south one hundred ten (110) feet, thence east four hundred ninety-five (495) feet, thence north one hundred ten (110) to the place of beginning. Containing 1 1/4 acres, more or less and being a part of Tract #10 of what is known as P.H. Westenskow Apple Orchard.

TO HAVE AND TO HOLD, the above described and granted premises unto the said Anton Gali and Olga Gali, husband and wife, as tenants by the entirety and not as tenants in community, and unto their heirs and assigns forever.

And we, Charles N Miller and Sarah E Miller, husband and wife, the grantors above named do covenant to and with the above named grantees, their heirs and assigns that we are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances, except taxes on the 1947-48 rolls for the fiscal tax year ending June 30, 1948, and that we will and our heirs, executors and administrators, shall warrant and forever defend the above granted, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hands and seals this 22nd day of August, 1947.

STATE OF OREGON
ss.
COUNTY OF UNION

Charles N Miller

(Seal)

Sarah E Miller

(Seal)

BE IT REMEMBERED, That on this 22nd day of August, A.D., 1947 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Charles N Miller and Sarah E Miller, husband and wife, who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal seal the day and year last above written.

Notarial Seal

\$1.65 I. R. S. Cancelled

Recorded Oct 28, 1947 at 2:45 P.M.

B F Wylde

Notary Public for Oregon

My Commission expires Sept 8, 1947.

C. L. GRAHAM, COUNTY CLERK

BY *Amos J. Shultz* DEPUTY

CHARLES SMUTZ ET AL TO LYNN SMUTZ

15490

KNOW ALL MEN BY THESE PRESENTS, That we, Charles Smutz and Reba Smutz, husband and wife; and D Smutz and Doris L. Smutz, husband and wife, now and at all times since July 5, 1947; in consideration of Ten Dollars and other valuable considerations to them paid by Lynn Smutz, a married man, whose wife is Thelma Smutz do hereby grant, bargain, sell and convey unto said Lynn Smutz, a married man, his heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of Union and State of Oregon, bounded and described as follows, to-wit:

BK 115 - pg 1

Commencing at the northwest corner of the east half of northwest quarter of section 16, in township 3 south, range 38 East of Willamette Meridian; running thence east along the section line 56 rods; thence south parallel with the center line of said section 140 rods; thence west parallel with the north line of said section 56 rods; thence north 140 rods to the point of beginning; ALSO

The South half of north half; the north half of southwest quarter, the west half of southeast quarter, the southeast quarter of southwest quarter, the east half of southwest quarter of southwest quarter, and the east half of west half of southwest quarter of southwest quarter of section 21; the south half of northwest quarter, the south half of southeast quarter, and the east 990 feet (being the east three fourths) of the southeast quarter of southwest quarter of Section 22; the east half of northwest quarter, and the east half of west half of northwest quarter of section 28; all in township 3 south, range 38 East of Willamette Meridian;

Containing in all 749 acres more or less; subject to easements and rights of way for telephone and telegraph lines and electric transmission lines on and across said premises, and except right of way for irrigation ditch as same now exists; subject also to easements or public roads and highways.

TO HAVE AND TO HOLD, the above described and granted premises unto the said Lynn Smutz, a married man his heirs and assigns forever. And we, the said Charles Smutz, and Reba Smutz, husband and wife and D Smutz and Doris L Smutz, husband and wife, the grantors above named do covenant^{to} and with the above named grantee, his heirs and assigns that we are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances, except taxes on the 1947-48 rolls, for the fiscal tax year ending June 30th, 1948;

and that we will and our heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever,

Witness our hands and seals this 23rd day of October, 1947.

Executed in the presence of	Charles Smutz	(Seal)
G. T. Miles	Reba Smutz	(Seal)
	D Smutz	(Seal)
	Doris L Smutz	(Seal)

(Actual consideration is less than \$100.00, being in partition)

STATE OF OREGON

ss.
COUNTY OF UNION

BE IT REMEMBERED, That on this 27th day of October, A.D., 1947 before me, the undersigned, a notary public in and for said County and State, personally appeared the within named Charles Smutz and Reba Smutz, ^{husband} and wife and D Smutz and Doris L Smutz, husband and wife, who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Notarial Seal

Clyde T Miles
Notary Public for Oregon
My Commission expires 6-12-49

Recorded Oct 28, 1947 at 4:30 P.M.

C. L. GRAHAM, COUNTY CLERK



1:5,332

118.0521771 W, 45.2876539 N

UC SOILS X

Field: Add Calculate Selections Select By Attributes Zoom To Switch Clear Delete Copy Highlighted Unselect Reset Zoom To Switch Clear Delete Copy

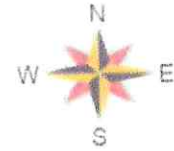
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3	7116 Polygon	5679	03538C06600	62	Range	60.562889
4	7117 Polygon	5679	03538C06600	8	Crop High Value	1.37933

4 of 30,110 selected 0 of 4 highlighted

EOT

EASTERN OREGON TITLE, INC.

1601 Adams Avenue
La Grande, OR 97850
Phone: (541) 963-8561 Fax: (541) 963-2391

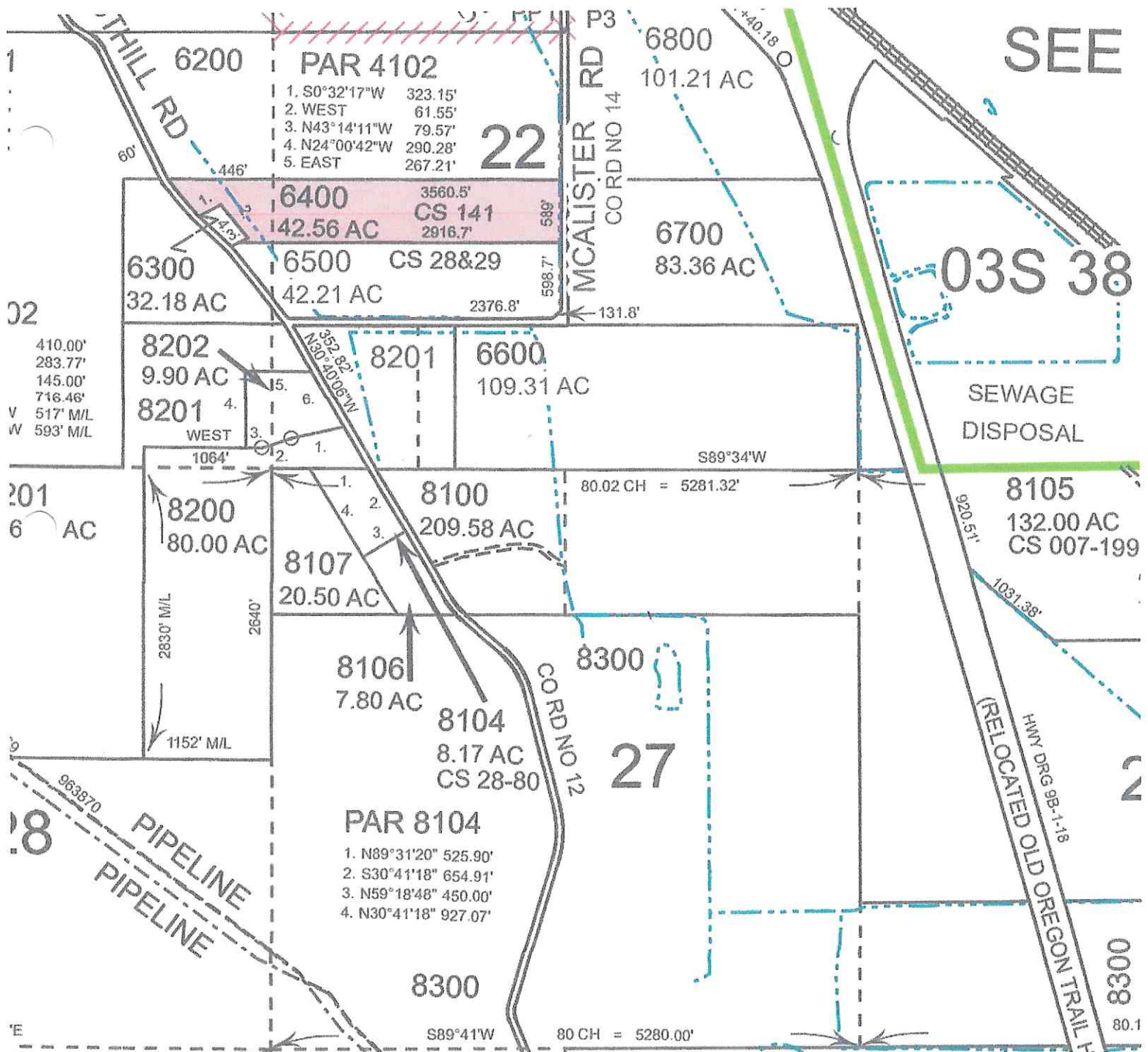


TITLE INSURANCE

• ESCROW CLOSING

• ESCROW COLLECTION

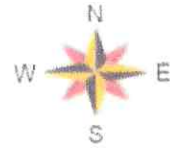
This map is furnished as a convenience in locating the Land; the company assumes no liability for any variation as may be disclosed by actual survey. ORDER NO. TRIO MAP NO. 03S38E



EOT

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1601 Adams Avenue
La Grande, OR 97850
Phone: (541) 963-8561 Fax: (541) 963-2391

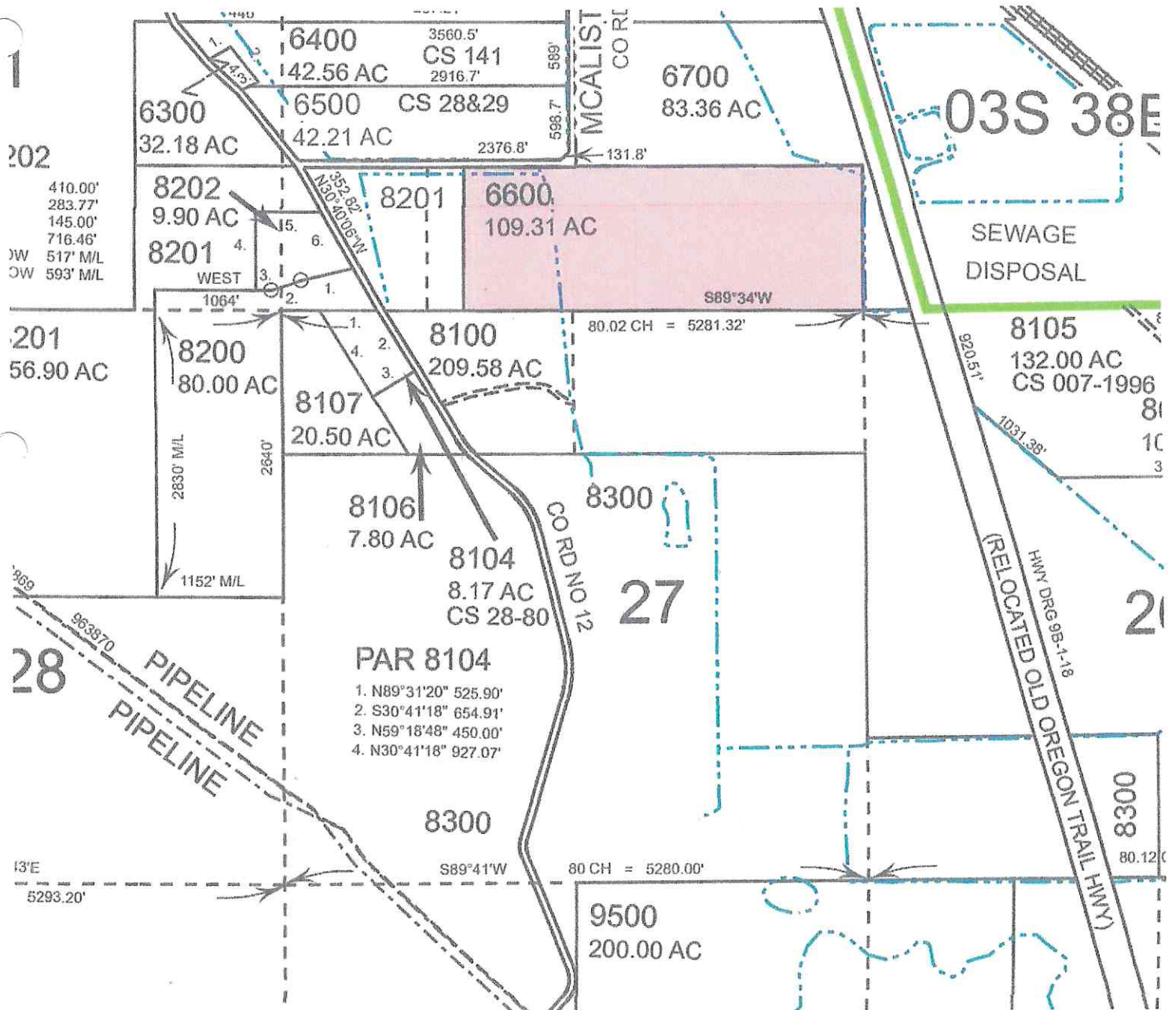


TITLE INSURANCE

• ESCROW CLOSING

• ESCROW COLLECTION

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1601 Adams Avenue
La Grande, OR 97850
Phone: (541) 963-8561 Fax: (541) 963-2391



TITLE INSURANCE

• ESCROW CLOSING

• ESCROW COLLECTION

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