

MEMORANDUM

TO: Inga Williams, Union County Planning Director
FROM: Wyatt S. Baum, Baum Smith LLC
DATE: March 26, 2026
RE: Variance Process, Approval Criteria, and Commissioner Responsibilities

I. PURPOSE OF THIS MEMORANDUM

This memorandum is intended to provide the members of the Union County Planning Commission with a concise overview of the variance process under the Union County Zoning, Partition, and Subdivision Ordinance ("UCZPSO"), the legal standards that govern approval or denial of variance applications, and the Commission's role and responsibilities when hearing such matters.

II. WHAT IS A VARIANCE?

A variance is a discretionary authorization to deviate from a specific dimensional or development standard of the UCZPSO. Its purpose is to provide relief in situations where strict application of the ordinance would cause an undue physical hardship arising from characteristics unique to a particular parcel of land.

Critically, a variance is not a use permit. Under Article 30.01 of the UCZPSO, the Commission has no authority to grant a variance that would allow a use not otherwise permitted in the applicable zone. A variance adjusts how a permitted use may be developed — it does not authorize a use that the underlying zone prohibits.

III. THE FOUR-PART LEGAL TEST FOR APPROVAL

Article 30.02 of the UCZPSO imposes a mandatory four-part test. The Commission may grant a variance only if all four of the following circumstances are found to exist. If any single element is not established, the application must be denied.

- 1. Exceptional or Extraordinary Property Circumstances.** The property must have exceptional or extraordinary circumstances that do not apply generally to other properties in the same zone or vicinity. Those circumstances must arise from the lot size, lot shape, topography, or other physical conditions over which the applicant has no control. Economic hardship, personal inconvenience, or a preference for a particular design do not qualify.
- 2. Public Interest Preserved; No Precedent Set.** Granting the variance must preserve the public interest and must not set a trend. This criterion addresses whether the circumstances are genuinely unique to the subject parcel. A variance that could logically be sought by many other similarly situated properties in the same zone raises a strong inference that the circumstances are not exceptional and that granting relief would create an undesirable precedent.
- 3. Minimum Relief; No Undesirable Change.** The variance must be the minimum deviation necessary to alleviate the identified hardship. It must not result in an undesirable change to the purposes of the UCZPSO, area land values, or neighboring property uses, and must not be injurious to other property in the area. The Commission should scrutinize whether the relief requested is narrowly tailored to the actual hardship.

4. **Hardship Not Self-Imposed or Code-Violation-Created.** The hardship must not be self-imposed, nor may it result from a violation of the UCZPSO. An applicant who created the hardship through their own voluntary actions — whether by subdividing a parcel to a non-conforming size, placing a structure in a location that restricts future development, or building in violation of the ordinance — is not entitled to relief.

The Commission has no discretion to approve a variance when any one of these four criteria is absent from the record. Conversely, when all four criteria are clearly established by the evidence, approval is legally supportable and should be accompanied by written findings explaining the basis for each element.

IV. CONDITIONS OF APPROVAL

Under Article 30.01, the Commission may attach conditions to a variance approval that it finds necessary to protect the best interests of surrounding property or the vicinity, and to otherwise achieve the purposes of the UCZPSO. Conditions should be rationally related to the hardship being addressed and to the impacts of the proposed deviation. Overly broad or unrelated conditions are legally vulnerable on appeal.

V. THE VARIANCE PROCEDURE

The following procedural steps apply to variance applications under Article 30.03 of the UCZPSO:

Application. A property owner or designated agent initiates the process by filing a variance application with the Planning Director on the prescribed form, accompanied by a scaled site plan showing the condition to be varied and the dimensions of the proposed development. The Commission may request additional materials as needed.

Notice and Public Hearing. Before acting on a variance request, the Commission must provide notice and conduct a public hearing consistent with Sections 24.03 and 24.04 of the UCZPSO. The variance is a quasi-judicial land use decision under Article 24.03 and is subject to the full quasi-judicial hearing process, including mailed notice to adjacent and nearby property owners, publication, and the opportunity for public testimony.

Decision Notice. Within five working days after a decision is rendered, the Planning Director shall provide the applicant with written notice of the Commission's decision. Decisions are appealable within 30 days under Article 34.00. If a variance is denied, no new application for the same or substantially similar action may be filed for at least one year from the date of the final denial order.

150-Day Rule. Under ORS 215.427, the Commission must take final action on a complete application within 150 days of the application being deemed complete, absent a statutory extension or applicant consent to a delay.

VI. THE COMMISSION'S ROLE AS A QUASI-JUDICIAL BODY

Variance proceedings are quasi-judicial land use decisions. This classification carries significant legal obligations that commissioners must understand and observe.

A. Criteria-Driven Decision-Making

The Commission's role is to apply the criteria in the UCZPSO to the facts presented — not to act as a policy-making body. Oregon law is clear that if an applicant demonstrates compliance with all applicable criteria, the application must be approved, even if individual commissioners personally disagree with the outcome or believe additional unadopted standards should apply. Conversely, if the applicant fails to meet the criteria, the application must be denied even if commissioners sympathize with the applicant's situation. The criteria govern.

B. The Burden of Proof

Under Article 24.11(4), the burden of proof rests on the applicant. It is the applicant's obligation to present sufficient evidence and argument to establish each of the four criteria under Article 30.02. The Commission is not required to construct the applicant's case for them.

Commissioners may ask clarifying questions and may request additional information, but they should not advocate for or against an application.

C. Ex Parte Contacts and Conflicts of Interest

Commissioners must avoid ex parte contacts — communications about a pending application outside the hearing record. Any contacts that do occur should be disclosed on the record at the commencement of the hearing, and affected parties should be given an opportunity to respond. ORS Chapter 244 (Government Standards and Practices Act) governs potential conflicts of interest. A commissioner who has a financial or other disqualifying interest in the outcome of an application must disclose that interest and, where required, abstain from participation. When in doubt, consult with county counsel before the hearing.

D. Written Findings

Under Article 24.12(1), the Commission's decision must be accompanied by a written statement that identifies the criteria and standards considered, the basic facts relied upon, and the ultimate facts that justify the decision. Written findings are the legal foundation for the Commission's action. Conclusory statements — such as "the criteria are not met" without explanation — are insufficient and create vulnerability on appeal to the Land Use Board of Appeals (LUBA). Commissioners should insist on well-developed, criterion-specific findings.

E. Conduct of the Hearing

Under ORS 197.763, quasi-judicial land use hearings must be conducted according to defined procedural requirements. The presiding officer must, among other things, state at the opening of the hearing that failure of any party to raise constitutional or other issues with sufficient specificity to allow the Commission to respond will preclude an action for damages in circuit court. All parties have the right to present evidence and to rebut evidence directed at the applicable criteria. The Commission must ensure that the hearing record is closed in a legally proper manner, and that all parties have had a meaningful opportunity to be heard.

VII. COMMON ERRORS TO AVOID

Relying on sympathy or community pressure. The variance decision must rest on the legal criteria, not on the applicant's personal circumstances or public sentiment.

Approving broad variances when narrow ones will do. The minimum-relief requirement is a substantive criterion. A variance that grants more relief than the hardship demands is legally deficient.

Conflating a variance with a conditional use or zone change. These are distinct land use actions with distinct criteria and procedures. A variance does not authorize an otherwise prohibited use.

Failing to develop adequate written findings. A well-reasoned decision with clear factual support is the Commission's best protection against reversal on appeal.

Applying unadopted criteria. Commissioners may not impose requirements that are not reflected in the UCZPSO or applicable state law. Decisions must be grounded in adopted criteria.

This memorandum is intended for general informational and guidance purposes. It does not constitute legal advice on any specific pending application.



UNION COUNTY Planning Department

Inga Williams
Planning Director

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File No: 2026-0011

Staff Report Variance Application

Purpose of the Application:	Variance to the 10-acre minimum parcel size in order to allow the property owners to create a 5.3± acre parcel and a 4± acre parcel.
Relevant Ordinance Criteria:	Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO) Article 8.00 Farm Residential Zone; UCZPSO Article 30.00 Variance
Property Location:	T02S R38E Section 17, Tax Lot 303; situs address 63831 Lester Rd., La Grande, OR 97850
Property Owner & Applicant:	Shawn & Adrea Chavez; Joy Cleaver is the co-applicant
Zone Designation:	R-3 Farm Residential
Comprehensive Plan Designation:	Farm Residential
Parcel Size:	9.33± 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.

Suggested Motion to Approve

"I move that the Planning Commission approve this Variance application based on findings that,

1) owing to the following special and unusual circumstances related to this specific piece of property *[identify the circumstances]*,

strict application of the Minimum Parcel Size in the R-3 zone would cause an undue or unnecessary physical hardship; and

2) the interest of the public will be preserved and this variance will not set a trend; and

3) the variance is the minimum needed to alleviate the hardship on the land, and will not result in an undesirable change in the purposes of R-3 zone district and in area land values or property uses, or be otherwise injurious to other property in the area; and

4) the hardship on the land is not self-imposed, nor a result from a violation of this UCZPSO.

This approval is supported by *[add as appropriate: the applicant's supporting narrative, written testimony in favor of the application from the public, verbal testimony in favor of the application at the public hearing]*."

Suggested Motion to Deny

"I move that the Planning Commission deny this Variance application based on findings that

- 1) there are no special and unusual circumstances related to this specific piece of property, and/or
- 2) that the strict application of the Ordinance would not cause undue physical hardship, and/or
- 3) that all of the circumstances required to grant a variance have not been met, as described by *[add as appropriate: the analysis in the staff report, written testimony from the public in opposition to the application, verbal testimony at the public hearing in opposition to the application].*"

II. PROPOSED CONDITIONS OF APPROVAL

If the Planning Commission approves this variance application, the following conditions are recommended:

1. The variance approval shall be valid for one year from the date of decision. A one-year time extension may be granted upon written request to the Planning Director, assuming all applicable laws and the application conditions remain unchanged.
2. The applicant shall complete a partition application to divide the property prior to the expiration of the variance approval. The partition application is a separate land use action subject to its own review criteria under UCZPSO Article 25.
3. Any development on newly created parcels shall comply with all applicable development standards of the R-3 Farm Residential Zone, including setbacks and fire siting standards under UCZPSO Article 8.

III. BACKGROUND AND PROPERTY INFORMATION FINDINGS



The parcel (Tax Lot 303) is approximately 9.33 acres. The parcel was created as Parcel 3 of Major Land Partition Plat 2002-0018T, filed October 7, 2002. The partition plat created three parcels and a road easement; the Seaney parcel is a separate parcel that pre-existed the partition.

The situs address for the parcel is 63831 Lester Road, La Grande. The Lester Road easement connects the four parcels as the access easement. It appears that the easement follows a path created prior to the partition plat. Two dwellings, identified on the adjacent figure, were existing and needed access prior to the 2002 partition. Lester Road runs north through all three parcels of the partition plat and clips the edge of the Seaney parcel.

Igo Lane is a public road and is contiguous along the parcel's south boundary.

The property owners are Shawn and Adrea Chavez. A cousin, Joy Cleaver, is a co-applicant in this request and wishes to purchase the portion of the parcel that is located on the west side of Lester Road. Mr. And Mrs. Chavez would retain the portion of the property on the east side of Lester Road.

The property was acquired by the current owners via Statutory Bargain and Sale Deed recorded February 14, 2018 (Document No. 20180419). The property owners built a single-family residence in 2020 along with a few accessory structures. These structures are located on the east side of Lester Road.

Lester Road provides access to the north to three other parcels, all developed with single-family residences.

The subject property is within the La Grande School District and La Grande Rural Fire Protection District.

IV. AGENCY COMMENTS

No agency comments have been received as of the finalization of this report.

V. PUBLIC TESTIMONY

Two items of public testimony were received by the Planning Department.

1. Julia Samples, 62182 Igo Lane, is opposed to the variance. She does not believe that allowing the property to be partitioned will be a benefit. She believes that it will cause an increase in traffic congestion and pedestrian conflicts. Please see Attachment A for the full testimony.
2. Nick Rodighiero, 62114 Igo Lane, is opposed to the variance. An additional dwelling would strain water resources, increase congestion on the corner, increase activity on a road struggling with maintenance issues, and reduce forest land. Please see Attachment B for the full testimony.

VII. CODE CRITERIA AND ANALYSIS

All applications are subject to the requirements of the Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO). The relevant criteria are presented below with the applicant's statements summarized and staff analysis provided. The Planning Commission must determine whether the applicant has demonstrated compliance with each criterion.

UCZPSO Article 8.00 - R-3 Farm Residential Zone

Section 8.01 - PURPOSE

The Farm Residential Zone is intended to provide areas suitable and desirable for small agricultural uses and rural living opportunities. Development shall be in accord with Farm Residential Land Use Plan classification provisions.

Findings: The Comprehensive Plan designation is Farm Residential. Farm Residential is meant "To provide areas suitable and desirable for small (10-acre minimum) agricultural uses and rural living opportunities. Such areas are generally found in foothill locations separating exclusive agriculture and other uses in the valleys from timber and grazing activities in the uplands. This classification encompasses most of the rural residences not part of farmsteads. Although such parcels may be smaller than what is considered a management unit, the total contribution of this classification to the agriculture and timber industry bases could be significant if such acreages are properly utilized."

Section 8.04 - MINIMUM LOT SIZE

The minimum lot size for new lots or parcels in the R-3 Zone shall be ten acres.

Findings: The applicants are requesting a variance from the 10-acre minimum to allow them to partition their parcel into a 4± and a 5.3± acre parcel.

UCZPSO Article 30 Variance

Section 30.01 AUTHORIZATION TO GRANT OR DENY VARIANCES

The Planning Commission may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary physical hardship.

No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or vicinity and otherwise achieve the purposes of this Ordinance.

Applicants' Statement regarding the hardship:

“Lester Road divides the property into two entirely separate sections, approximately four acres on the west side and 5.63 acres on the east. This separation creates a functional hardship because the four-acre portion is isolated and cannot be used for an ADU or other meaningful development under current zoning and access requirements. Although Lester Road serves as a public access route for neighboring residences, its placement directly through our property creates a barrier that prevents the west parcel from being integrated with the main home site. The result is a significant portion of the acreage that cannot reasonably or safely be developed or used to its full potential.”

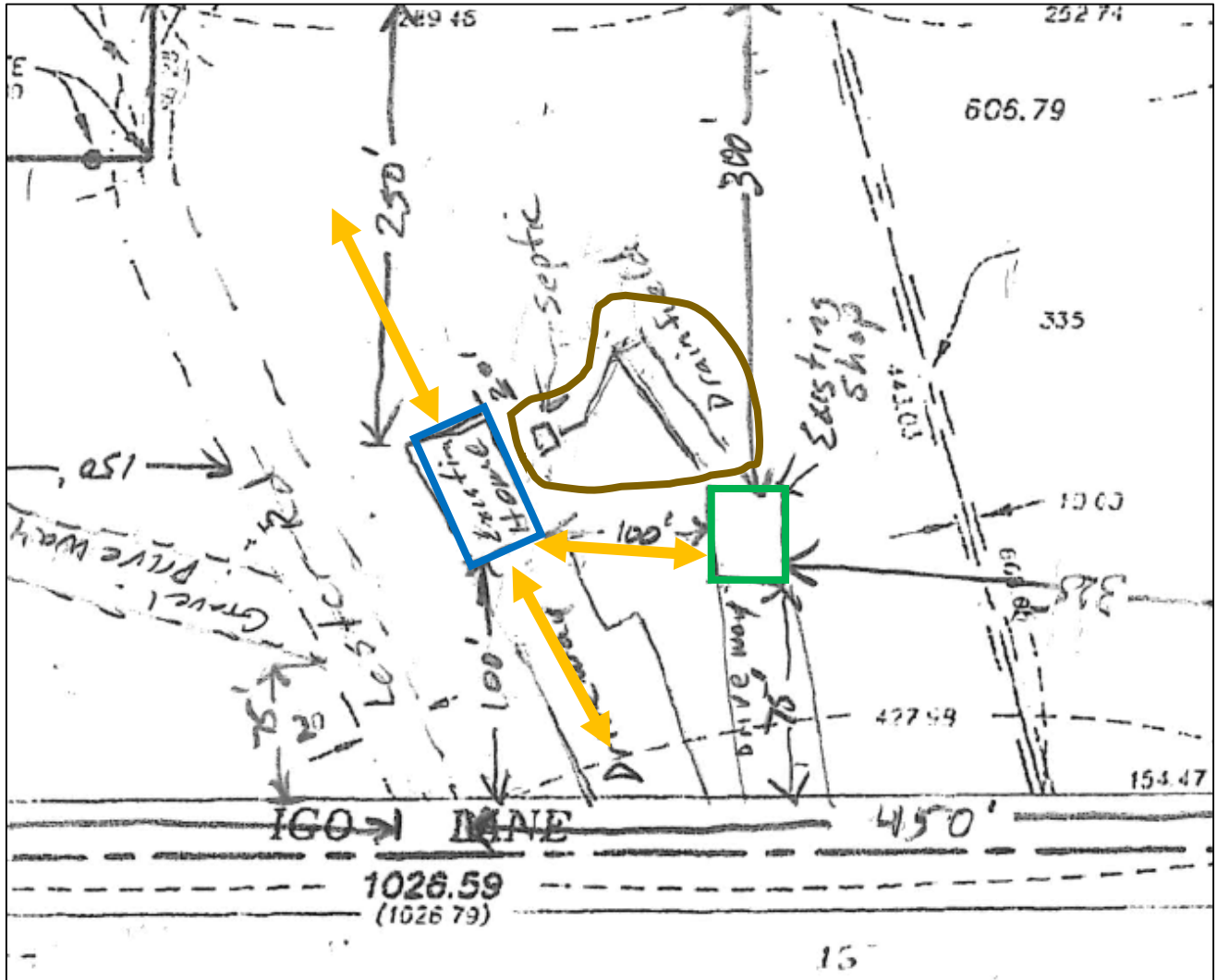
There is an expanded summary of the hardship reasons on Page 2 of the applicants’ narrative. In summary, they state that:

1. ADUs are required to be placed within 100 feet of the primary dwelling. This would mean the ADU would have to be located on the east side of Lester Road.
2. There are property damage and security concerns for the portion of the property west of Lester Road and direct oversight is required.
3. Landscape management of the west acreage is required to remove hazard trees and reduce wildfire risk.
4. A modest, low-impact development is proposed on the west acreage.
5. Since they are selling the property to their cousin, the property would return to their ownership on her passing.
6. Allowing a partition would add another taxable parcel to the tax rolls.

Staff Analysis:

The R-3 zone allows a single-family dwelling to be built as a permitted use. Also allowed are accessory structures, agriculture, and forestry. All other uses are conditional uses. In 2002, Mr. and Mrs. Chavez built a dwelling and added accessory structures on their property. They have utilized their permitted uses and may continue to do so without hindrance. There is no barrier to them placing accessory structures on the west side of Lester Road.

An ADU is allowed by conditional use. Mr. and Mrs. Chavez are correct that an ADU would not be able to be placed to the west of Lester Road as it would be unable to meet the maximum 100 foot distance requirement. However, there is space to the north of the dwelling and the south and southeast that appear to be acceptable locations; the east is restricted because of the septic and drain field. The existing shop is within 100 feet and could be renovated as an ADU or it could be relocated since there is no maximum distance requirement for accessory structures.



The other items mentioned, land management and security concerns are not undue or unnecessary physical hardships for a rural property.

Section 30.02 Circumstances for Granting a Variance

A variance may be granted only in the event that **ALL** of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.

Applicant's Statement:

"The division of the property by a public road is an unusual and extraordinary condition that we did not create. This bisected configuration is not typical of surrounding parcels, most which remain intact and fully usable. Because Lester Road permanently separates the land into two disconnected

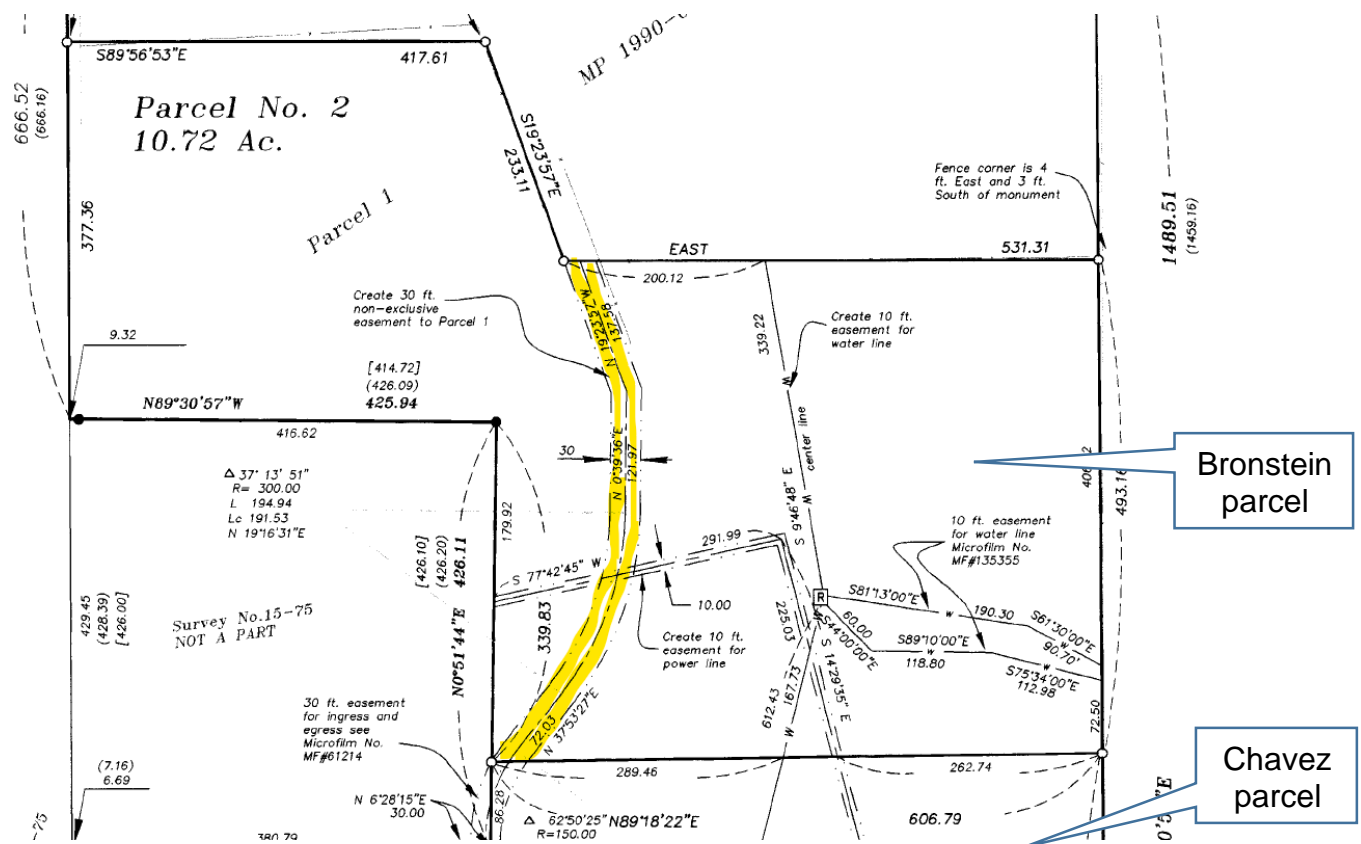
pieces, the four-acre section does not function as part of the primary property. This creates a hardship unique to our parcel – inability to access, develop, or utilize nearly half the acreage in a manner consistent with the zoning code’s intent. This circumstance existed long before our ownership and cannot be remedied without subdivision.”

Staff Analysis:

To justify this variance, the applicants must demonstrate that special and unusual circumstances caused by strict application of the minimum lot size standard creates an undue or unnecessary physical hardship. The applicants state that Lester Road bisecting the property as the exceptional circumstance that creates a situation denying them the ability to fully utilize their property to the west of easement.

Lester Road is a private road easement that provides access to only three other dwellings. The presence of this road does not impact the purpose of the R-3 zone to provide areas suitable and desirable for small agricultural uses and rural living opportunities. The applicants have taken full advantage of the development opportunities within the R-3 zone and developed the parcel with the permitted single-family use. The applicants also have the ability to fully access and utilize their property to the west of Lester Road.

The Commission should evaluate whether an easement crossing a property to provide access to adjacent parcels constitutes the type of exceptional or extraordinary circumstance contemplated by this criterion. Easements providing access to adjacent properties are common features of properties throughout the county, and within the residential zones. In fact, the adjacent parcel to the north owned by Seymour Bronstein is also bisected by the Lester Road easement, highlighted in yellow.



The Commission should also evaluate how the presence of the road is creating a difficulty for the applicants to develop when they have already developed a residence and accessory structures on their property.

The Commission should also evaluate whether the easement's presence creates a circumstance that requires the applicant to partition the property.

Many of the reasons cited by the applicants are related to general property management issue unrelated to the variance request and to the fact that an ADU cannot be located west of Lester Road.

2. The interest of the public will be preserved, and such action(s) will not set a trend.

Applicant's Statement:

"Approving the variance would not negatively affect public interest. Subdividing the property would simply allow each side of Lester Road to exist as independent parcels that align with the physical reality created by the roadway. The request does not encourage a pattern or trend, as very few properties are similarly divided by a public road, making this situation unique. Granting relief would not impact traffic, road conditions, neighborhood character, or public services. Instead, it would bring the property's legal configuration into alignment with its physical form, ultimately supporting responsible land use."

Staff Analysis:

This criterion requires the Commission to find both that the public interest will be preserved and that approval will not set a trend. These are related but distinct considerations.

Regarding public interest: The Commission should consider whether allowing two, new substandard parcels (approximately 4 acres and 5.3 acres) in the R-3 zone undermines the purposes of the 10-acre minimum lot size.

Regarding trend-setting: The key question is whether the circumstances are genuinely unique. The applicants characterize this as a property bisected by an easement, which creates an impediment to the use of the parcel on the west side of that impediment. Road access easements, utility easements, and even parcels bisected by a public road are a common, if not numerous, circumstance in rural lands. Approval could set a meaningful precedent. The Commission should consider whether the reasoning by the applicants could be applied to other circumstances.

The Commission should evaluate whether the applicants have provided sufficient evidence that this situation is genuinely unique to avoid precedent concerns.

3. That the variance will be the minimum needed to alleviate the hardship on the land, and will not result in an undesirable change in the purposes of this Ordinance and in area land values or property uses, or be otherwise injurious to other property in the area.

Applicant's Statement:

"The variance requested is the least intrusive and simplest method to address the hardship. Subdividing the property into two parcels corresponding to the natural division created by the road provides the minimum relief needed for reasonable use. this adjustment does not alter surrounding land uses, diminish property values, increase density, or conflict with the intent of existing ordinances. The subdivision would not alter neighborhood patterns or impose any burden on

adjoining landowners. It simply enables practical and appropriate utilization of the already separated land.”

Staff Analysis:

The Commission should consider the cumulative development potential. Under current configuration, the property can support one dwelling plus one ADU. If partitioned, the second parcel would be allowed a dwelling and each could also be allowed an ADU, potentially ending with four dwellings, two primary dwellings plus two ADUs. The request does allow an increase in density.

There does not appear to be any standard for minimum relief for this request. It does not appear that a case requiring relief has been fully established. The applicants’ proposed solution depends on the finding that a hardship exists that requires resolving. The Commission should first determine whether the applicant has established a "hardship on the land" before evaluating whether the proposed variance is the minimum needed to address it.

The Commission should consider, what is the "hardship" being alleviated? The applicants cite inability to place an ADU on the west portion and desire to sell that portion separately. Are these hardships "on the land" or personal/economic preferences? The property currently has a residence and is being used. Is the property incapable of reasonable use without the variance, or can it continue to function as a single R-3 parcel?

4. That the hardship on the land is not self-imposed, nor a result from a violation of this Ordinance.

Applicant's Statement:

“The hardship was not created by any action on our part. The placement of Lester Road and the resulting physical division of the land occurred many years before we acquired the property. We did not alter the land, create the division, or take any action that would have caused this hardship. It is not the result of an ordinance violation or any development choice. Instead, it is an inherent limitation created entirely by the existing road infrastructure.”

Staff Analysis:

The analysis depends on how "self-imposed" is interpreted.

The applicants did not create the Lester Road easement. However, the Commission should consider that the current owners purchased the property in this configuration in 2018. The configuration of the access has been in existence since 1975, providing access to the Seaney parcel and the original 1958 dwelling. In this sense, this physical condition is not self-imposed.

But, the inability to further partition the property is not a “hardship” created by the easement; it is a limitation imposed by the Farm Residential zone’s minimum lot size requirement.

Also, the applicants’ cousin’s request to construct a dwelling on this particular property is a self-imposed condition. The reluctance to build an ADU in a location close to the primary dwelling, either for privacy reasons or other intended development intents, is a self-imposed condition.

The question is whether the applicants’ situation constitutes a hardship at all, and if so, whether purchasing property with full knowledge of its configuration constitutes a self-imposed condition.

VII. NOTIFICATION

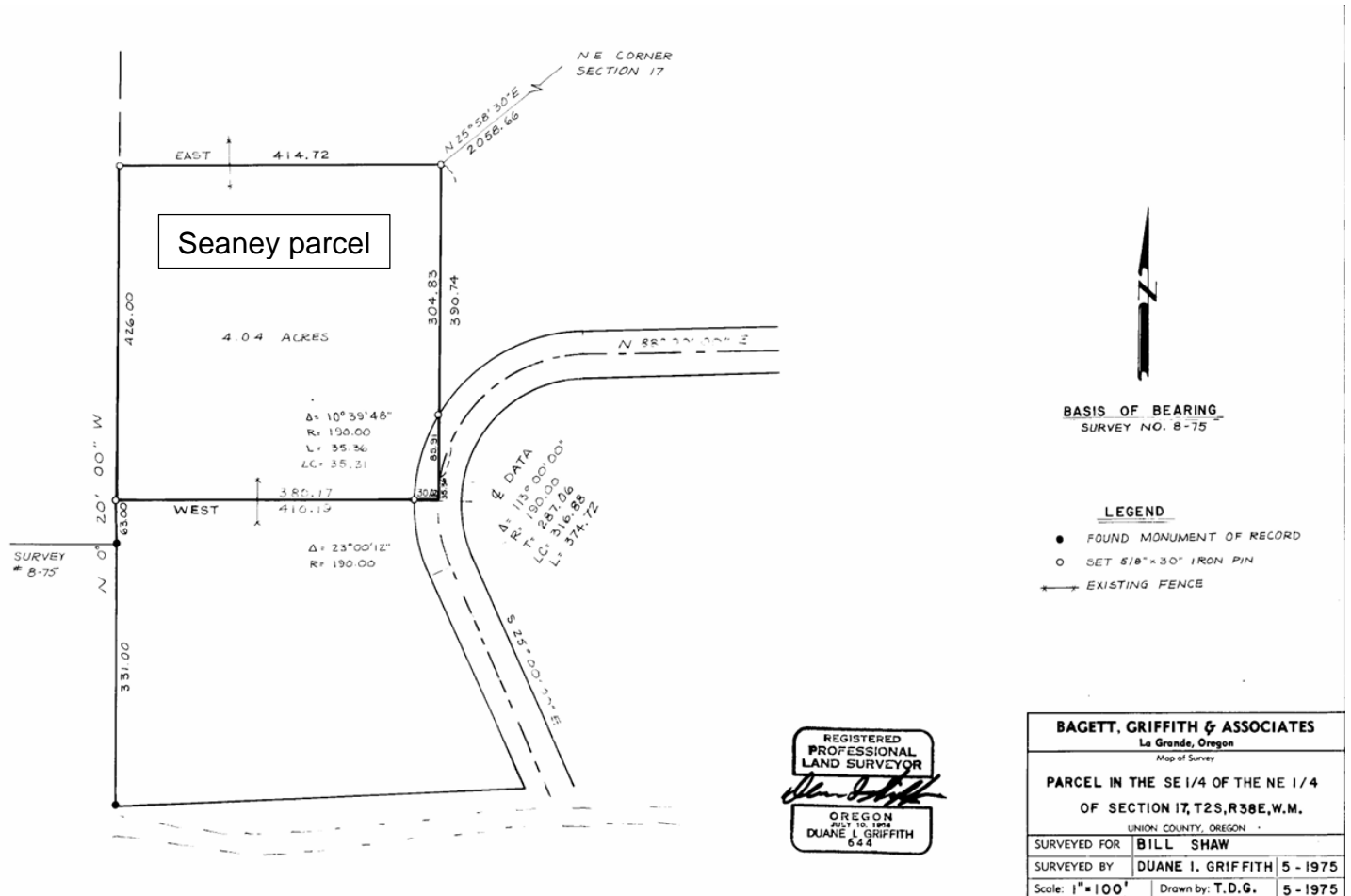
The applicants submitted this application on February 23, 2026. The department reviews this application type using the quasi-judicial process pursuant to Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO) Article 24.03, and 24.09 through 24.12.

In compliance with the UCZPSO, the department sent a Notice of Public Hearing to property owners within 250 feet of the subject property and published legal notice. The public hearing is scheduled for April 27, 2026 at 7:00 PM before the Planning Commission.

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

IX. ATTACHMENTS

- A. Julia Samples testimony
- B. Nick Rodighiero testimony



Attachment A

Julia Samples
62182 Igo Lane
La Grande, Oregon 97850

Regarding Application 20260011, Chavez Property Split

To whom it may concern,

I am opposed to splitting the property on the corner of Igo and Lester to allow for another dwelling to be built. I am an adjacent property owner to the parcel of land. I am concerned about our water supply, and I believe building another house could further tax this resource for surrounding neighbors. There are been instances where neighbors further down the road have had to drill deeper wells due to running out of water.

I am also concerned that adding an additional house in that area will increase traffic congestion and pedestrian conflicts. There are often loose dogs, people on horseback, cyclists, etc in that area because of the MERA trail heads on Igo Lane. This causes friction with existing homeowners and creates hazardous situations for all parties involved. I frequently hear of verbal altercations involving adjacent property owners and pedestrians in that area.

The corner of Igo and Lester is also a frequent area of concern for vehicular traffic as cars turning onto Igo from Lester often do not yield to traffic coming down from the upper stretch of Igo Lane. I believe that adding an additional dwelling in that area will negatively impact safety on this corner.

Please take my concerns into consideration when reviewing this proposal. I truly do not believe that allowing this property to be split will benefit our neighborhood.

Thank you,
Julia Samples

Attachment B

Nick Rodighiero
62114 Igo Ln
La Grande, OR 97850

RE: application #20260011

I am opposed to splitting a parcel in order to divide the property. My reasoning as follows:

1. Resources- there are currently houses on Mt. Glen rd that are having trouble drilling wells and do not have water. We would be straining an aquifer that already has trouble supporting the houses it has.
2. Property designation- This is designated as forest land. The intent is to keep this as a natural area. Splitting this then adding a house to it will decrease the amount of actual forest land. It will also increase road activity on a road that struggles with maintenance in the first place. ORS 215.780 is an example of where the state is trying to protect land zoned as forest land from being divided and built upon.
3. The corner of this tract of land is already congested. There is no signage for people of Lester to yield when turning onto Igo. There are animals constantly in the road at the trail head. Dogs, horses, deer, and turkeys are all darting across the road. This seems like an already congested area would increase congestion

If the intent is to sell that land to an adjacent property owner, I would consider that. For example, the property in question borders MERA. If it were to become part of MERA then I would consider this. I assume this would be a different application from what is presented here. For the record, I would not be interested in the property. My property is adjacent to the one in question for full disclosure.



UNION COUNTY Planning Department

Inga Williams
Planning Director

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RESIDENTIAL/COMMERCIAL/INDUSTRIAL LAND USE APPLICATION

Please complete & return this form with attachments

- Conditional Use
- Variance
- Administrative Use
- Other: _____

CONTACT INFORMATION

Applicant(s) Name(s)	<i>Shawn, Adrea Chavez</i>
Phone Number	[REDACTED]
Email Address	[REDACTED]
Mailing Address	<i>63831 Loto Rd. La Grande Oregon</i>

The APPLICANT is a ... Legal Owner Legal Representative¹ Contract Purchaser² Agent³

¹ attach proof that this person has the legal right to sign for the trust/LLC/corporation/etc.

² attach a copy of the contract.

³ attach the signed Agent Permission Certification, or your own version, allowing the agent to represent the owner.

PROPERTY IDENTIFICATION

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

Township	Range	Section	Tax Lot	Zoning Designation	Acreage	Addressed Yes or No

Provide address (if available) _____

PROPOSED USE INFORMATION

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

*Variance to create a separate lot or parcel
- reduction to current lot size to accommodate a new parcel.*

CURRENT USE OF PROPERTY – also identify any structures

No structures, no improvements

Application for Variance to Create Separate Parcel

Request to Subdivide Property Along Lester Road

To whom it may concern,

1. Hardship Created by Lester Road

Lester Road physically divides the property into two entirely separate sections, approximately four acres on the west side and 5.63 acres on the east. This separation creates a functional hardship because the four-acre portion is isolated and cannot be used for an ADU or other meaningful development under current zoning and access requirements. Although Lester Road serves as a public access route for neighboring residences, its placement directly through our property creates a barrier that prevents the west parcel from being integrated with the main home site. The result is a significant portion of acreage that cannot reasonably or safely be developed or used to its full potential.

2. Extraordinary Circumstances Beyond Our Control

The division of the property by a public road is an unusual and extraordinary condition that we did not create. This bisected configuration is not typical of surrounding parcels, most of which remain intact and fully usable. Because Lester Road permanently separates the land into two disconnected pieces, the four-acre section does not function as part of the primary property. This creates a hardship unique to our parcel—inability to access, develop, or utilize nearly half the acreage in a manner consistent with the zoning code's intent. This circumstance existed long before our ownership and cannot be remedied without subdivision.

3. Public Interest Is Preserved

Approving the variance would not negatively affect public interest. Subdividing the property would simply allow each side of Lester Road to exist as independent parcels that align with the physical reality created by the roadway. The request does not encourage a pattern or trend, as very few properties are similarly divided by a public road, making this situation unique. Granting relief would not impact traffic, road conditions, neighborhood character, or public services. Instead, it would bring the property's legal configuration into alignment with its physical form, ultimately supporting responsible land use.

4. Minimum Relief Necessary

The variance requested is the least intrusive and simplest method to address the hardship. Subdividing the property into two parcels corresponding to the natural division created by the road provides the minimum relief needed for reasonable use. This adjustment does not alter surrounding land uses, diminish property values, increase density, or conflict with the intent of existing ordinances. The subdivision would not alter neighborhood patterns or impose any burden on adjoining landowners. It simply enables practical and appropriate utilization of the already separated land.

5. Hardship Not Self-Imposed

The hardship was not created by any action on our part. The placement of Lester Road and the resulting physical division of the land occurred many years before we acquired the property. We did not alter the land, create the division, or take any action that would have caused this hardship. It is not the result of an ordinance violation or any development choice. Instead, it is an inherent limitation created entirely by the existing road infrastructure.

Expanded Summary of Hardship and Proposed Relief

In addition to the roadway-created hardship described above, several practical and safety factors further justify the requested variance. First, zoning restrictions on ADUs require placement within 100 feet of the existing home, which is located on the 5.63 acres east of Lester Road. This makes an ADU on the four-acre west side infeasible, rendering the four-acre parcel unusable for an ADU.

Second, the four-acre parcel faces ongoing security and property damage concerns. Significant fencing damage (bent posts, cut wires, and pushed-down supports), along with freshly broken branches showing bright green needles, indicates recent human disturbance rather than wildlife. Given the parcel's proximity (approximately 30 yards) from MERA property and common cross-traffic from that area, we face continuing unauthorized access and anticipate needing both major fence rebuilding (100+ feet) and potential camera monitoring. These impacts are beyond our control and further limit reasonable use.

Third, immediate safety and stewardship needs exist on the four-acre parcel, including removal of a leaning hazard tree and clearing one to two downed trees and debris to reduce wildfire risk and maintain safe conditions. Subdividing would enable direct, responsible management of these issues.

Fourth, we propose a modest, low-impact development: selling the four-acre parcel to our cousin for a ~1,300 sq. ft. home sited approximately 100–150 feet west of Lester Road and about 200 feet north of the Lester Road/Igo Lane intersection, with a driveway about 75 feet from that intersection. This siting avoids impacts to Igo Lane, aligns with access from Lester Road, and keeps appropriate separation (approximately 250 feet) from the northern neighbor. Our cousin plans a self-contained septic system and a well; nearby electric and gas at Igo Lane/Lester Road make utility connections feasible. With access to a botanist specializing in Northeast Oregon native plants, any disturbed areas can be restored responsibly.

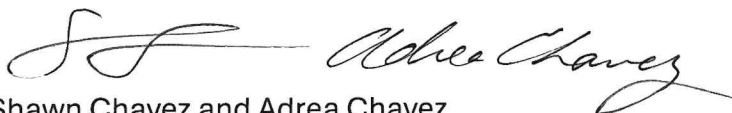
Fifth, a Transfer on Death (TOD) deed will ensure the parcel returns to our family upon her passing, keeping the land in the family. This arrangement also provides family-based support as she ages, allowing her to live near relatives who can assist as needed.

Finally, the variance would benefit the County by adding a taxable parcel and owner to the tax roll, modestly supporting local services such as road maintenance. Overall, granting the variance will:

- Improve land security and reduce unauthorized access
- Enable proper tree maintenance and hazardous debris removal
- Reduce wildfire risk
- Allow productive, minimal-disturbance use of the land
- Increase county tax revenue
- Support attainable, family-oriented housing close to existing support systems—
all without altering Farm Residential zoning or negatively affecting neighboring properties.

For these reasons, we respectfully request approval of our variance application. We appreciate your time and consideration and are available to provide any additional information or documentation as needed.

Sincerely,



Shawn Chavez and Adrea Chavez

63831 Lester Rd

La Grande, OR 97850

REQUIRED ATTACHMENT(S) – Narrative & Supporting Evidence

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

ADDITIONAL REQUIRED ATTACHMENTS

- 1) Vicinity map showing the subject property and surrounding roads and adjacent properties.
- 2) Site Plan, see attached example.
- 3) A copy of the latest deed.

APPLICANT CERTIFICATION

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.

If the applicant is not an agent, then all owners, legal representatives, or contract purchasers must sign

<i>Shawn Chavez</i>		<i>Adrea Chavez</i>	
Printed Name		Printed Name	
<i>[Signature]</i>	<i>2/19/26</i>	<i>[Signature]</i>	<i>2/19/26</i>
Signature	Date	Signature	Date

Printed Name		Printed Name	
Signature	Date	Signature	Date

For Planning Department Purposes Only

Date of Submittal 02/23/26 Date Considered Complete _____
 Payment Receipt Number _____
 Application Number _____

Agent Permission Certification

The below identified persons are the Legal Owners* Legal Representatives¹ Contract Purchasers² of the property that is the subject of this application and I/we give the applicant permission to submit this application and represent me/us during the review and approval process.

Shawn Chavez
Name

Adra Chavez
Name

[Signature] 2/19/26
Signature Date

[Signature] 2/19/26
Signature Date

Name

Name

Signature Date

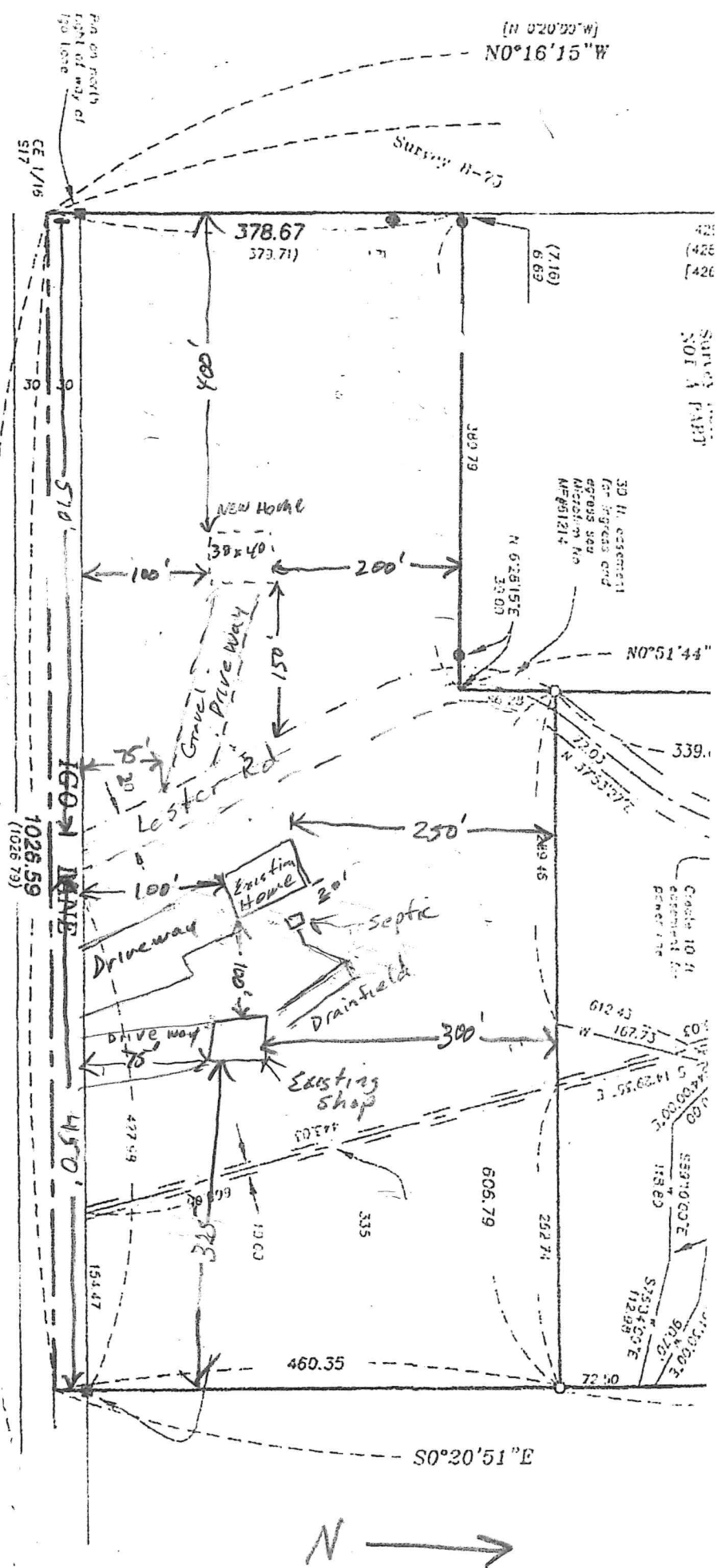
Signature Date

** All property owners must sign*

¹ attach proof that this person has the legal right to sign for the trust/LLC/corporation/etc.

² attach a copy of the contract.

(N 02°00'W)
N0°16'15"W



425
(425
[426
Survey N-73
NO 1 A PART

30 ft. easement
for 7' grade and
driveway see
Map No. 11214
ME 61214

N 62°15'E
30.00'

N 0°51'44"

Grade 10 ft.
easement for
driveway

N 107°35'E
612.43'

S 55°02'E
355.00'

S 53°10'00"E
553.10'00"E

S 72°04'00"E
112.98'

S 72°04'00"E
90.15'

S 72°04'00"E
72.50'

S 0°20'51"E



15

After Recording Return to:
Shawn & Adrea Chavez
63831 Lester Rd.
La Grande, OR 97850

20180419

Tax Statements Sent to:
Shawn & Adrea Chavez
63831 Lester Rd.
La Grande, OR 97850

STATUTORY BARGAIN AND SALE DEED

WILLIAM E. SHAW AND GARNET L. SHAW, HUSBAND AND WIFE, Grantor, conveys to **SHAWN CHAVEZ AND ADREA CHAVEZ, HUSBAND AND WIFE**, Grantee, the following described real property:

PARCEL 3 OF MAJOR LAND PARTITION PLAT NUMBER P2002-0018T, AS FILED OCTOBER 7, 2002, IN PLAT CABINET "C", SLIDES 671-672, AND RECORDED AS MICROFILM DOCUMENT NUMBER 20025698, RECORDS OF UNION COUNTY, OREGON.

SITUATE IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 38 EAST, WILLAMETTE MERIDIAN. FORMERLY A PART OF PARCEL 1 OF MINOR PARTITION PLAT 90-007.

(02S3817-303; REF. NO. 17697)

"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, AND 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

The true consideration for this conveyance is **\$34,000.00**. (Here comply with requirements of ORS 93.030)

Dated this 13 day of February 2018.

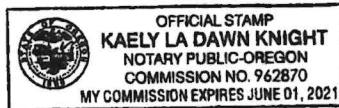
William E. Shaw
William E. Shaw

Garnet L. Shaw
Garnet L. Shaw

State of OREGON
County of UNION

Signed or attested before me on February 13th, 2018 by William E. Shaw and Garnet L. Shaw.

Kaely Knight
Notary Public - State of Oregon



STATE OF OREGON
County of Union

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

ROBINA A. CHURCH
Union County Clerk

by: [Signature] Deputy.

DOC# 20180419
RCPT: 00.00
2/14/2018 4:44 PM
REFUND: .00