

# Land Division, Type IV

## Supplemental Application & Information Packet



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*Note: Please complete the Land Use Request Application as well.*

### PROCESSING TYPE IV APPLICATIONS

Most applications are processed through “administrative review.” The typical application process is approximately six to eight weeks long.

Planning staff have 30 days to review the application for completeness; and once the application is deemed complete planning staff has an additional 20 working days to prepare a staff report.

The staff report is mailed out to the applicant (s), owner (s), all surrounding property owners, affected government agencies, and utility companies. Those notified are given 21 days in which to respond with questions, comments, recommended conditions, or to request a public hearing.

### FEES for TYPES IV

#### **TYPE IV – Land Divisions in Resource Zones**

Planning Department Application Fee - \$750.00  
(Submitted with the application.)

*NOTE:* If a Partition Plat is necessary for a Type IV Land Division the plat review fees and recording fee required for the Type II Land Division apply.

**Land Division applications have additional notice costs.** Notice costs are based on the number of notices mailed by the County. Legal notice, if required, is based on local newspaper notice cost. All notice costs are required to be paid prior to final approval. (Planning Fee Schedule Effective July 1, 2008 via Ord. #2008-10)

**Other County Records’ recording fees** - may be applicable to all Land Divisions (i.e., covenant not to sue, covenant not to sell separately, and irrevocable consent agreements, Final Findings, etc.) and would be requested at the time of recording. Recording Fees are based on the number of pages recorded.

**All checks may be made out to “Umatilla County”.**

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It is the responsibility of the applicant to submit a complete application with all requested support documents.

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## Section 1 -Type IV, Review I – Divisions in Resource Zones

Taken from UCDC 152.710 (B), Type IV Land Divisions; also review the provisions in UCDC 152.610 – 652 “General Provisions” which applies to all land division applications.

The following proposals are designated Type IV, Review I Land Divisions:

- (1) Partitions of land in an EFU, Exclusive Farm Use Zone.
- (2) Partitions of land in a GF, Grazing Farm Zone.

Umatilla County Comprehensive Plan, Agricultural Policy 3 To allow the flexibility of management options, to continue the existing commercial agricultural enterprises in a given area, and to assure that non-farm activities will not be encouraged, a flexible review called a "matrix system" shall be created that requires appropriate standards and review procedures for a variety of parcel division purposes and development situations. The policies on which the matrix system is designed are described below:

(a) New parcels of 160 acres or larger are appropriate to continue the existing commercial agricultural enterprises in those areas designated North/South County Agricultural Regions.

(b) New parcels equal to or greater than 80 acres may be authorized when found to be appropriate to continue the existing commercial agricultural enterprise in the North/South County Agricultural Region,

(c) Dwellings customarily provided in conjunction with farm use may be allowed on parcels of 160 acres or larger and may be allowed on parcels of less than 160 acres provided that the parcel can be shown to satisfy the requirements of Policy #4.

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1. Does the request preserve agricultural lands and agricultural uses as intended in ORS 215.243 and Policy 3 of the agricultural policies for the county; and for those areas designated grazing/forest on the Comprehensive Plan Map as well as preserves forest lands for forest uses as intended by Policies 1, 2 and 4 in the grazing/ forest policies for the county?

Yes, agricultural lands will be preserved and the specified policies are found to be met. **Please provide a description.**

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No, why not? \_\_\_\_\_

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2. Is a dwelling proposed for the new parcel?

Yes, there is a dwelling proposed. If so, show (site plan drawing) or explain how the proposed dwelling meets the minimum requirements for road frontage, yard setbacks, stream setbacks, and road or easement access standards.

No dwelling is proposed.

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3. Is the use of the property either for the purpose of farm use as defined by ORS 215.203(2) and set out in § 152.003 or forest use as described in Policy 2 of grazing/forest policies for the county? If crops are grown please describe the types of crop(s), number of acres, or how many head of livestock is raised, etc.

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4. Will all parcels created be 160 acres or larger or be combined with adjacent lands?

Parcel 1 = \_\_\_\_\_ acres,

Parcel 2 = \_\_\_\_\_ acres,

Parcel 3 = \_\_\_\_\_ acres.

Number of \_\_\_\_\_ acres combined with Tax Lot # \_\_\_\_\_

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5. The proposed division is a result of the requirements of an approved conditional use, land use decision, or variance request.

Yes, this land division is part of an approval for a CUP, LUD or Variance for

\_\_\_\_\_

No other approvals are a part of this land division application.

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NOTE: Typically, when creating parcels that are larger than 80 acres a partition plat is not required. Please provide a clear and legible land division map showing the way in which the original parcel will be divided with each resulting parcel being Parcel 1, Parcel 2, and if applicable, Parcel 3. Also provide an accurate **typed** legal description for all resulting parcels.

In place of the partition plat the new parcel legal descriptions and division map will be recorded with the Planning Department Findings for Final approval. The planning approval will need to be followed with a deed(s) (conveyance) recorded in County Records. This will complete the division.

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## Section 2 - Type IV, Review II – Divisions in Resource Zones

Taken from UCDC 152.710 (C), Type IV Land Divisions; also review the provisions in UCDC 152.610 – 652 “General Provisions” which applies to all land division applications.

The following proposals are designated Type IV, Review II Land Divisions:

- (1) Partitions of land in an EFU Exclusive Farm Use Zone.
- (2) Partitions of land in an approved “Go Below” area.

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1. Does the request preserve and maintain farm use consistent with Oregon Agricultural Land Use Policy found in ORS 215.243.?

Yes, agricultural lands will be preserved, and the specified policies are found to be met. Please provide a description on a separate sheet of paper.

No

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2. Is the use of the property for the purpose of farm use as defined in § 152.003?

Yes, the use of the property is for farm use as defined by UCDC 152.003.

Explain: \_\_\_\_\_  
\_\_\_\_\_

No, the use of the property will not be for farm or forest use as defined.

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3. Is a dwelling proposed for the new parcel?

Yes, there is a dwelling proposed. If so, explain how the dwelling will meet the minimum for road frontage, yard setbacks, stream setbacks, and road and/or easement standards: \_\_\_\_\_  
\_\_\_\_\_

No dwelling is proposed.

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4. Will all parcels created be 80 - 160 acres in size or is the property within an approved “Go Below” area?
- Yes, the parcels being created will be 80 - 160 acres in size.
- No, the parcels will not be 80 – 160 acres in size.
- The property is within an approved “Go Below” area and meets the specified parcel size set forth.

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5. How many parcels will be created and at what sizes?
- Parcel 1: \_\_\_\_\_ acres
- Parcel 2: \_\_\_\_\_ acres
- Parcel 2: \_\_\_\_\_ acres

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### **Section 3 -Type IV, Review III – Divisions in Resource Zones**

Taken from UCDC 152.710 (D), Type IV Land Divisions; also review the provisions in UCDC 152.610 – 652 “General Provisions” which applies to all land division applications.

There are two levels of review detailed below:

*Type IV, Review III, Level I.* Partitions of land in an EFU Exclusive Farm Use Zone when creating up to two (2) non-farm parcels intended for two (2) non-farm dwellings when the parent parcel remains at 160 acres or larger.

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1. Is the parent lot or parcel 160 acres or larger?
- Yes, the parent parcel is 160 acres or larger.
- No, the parent parcel is less than 160 acres. (Do not continue. Your request does not qualify under Review III, Level I.

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2. Have the non-farm dwellings been approved under UCDC § 152.059 (K) (VI)?

Yes, the non-farm dwelling(s) request has been submitted for approval.

No, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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3. Are the parcels for the non-farm dwellings divided from a parent lot or parcel that was lawfully created prior to July 1, 2001?

Yes, the parent lot or parcel was created prior to July 1, 2001, on (date)\_\_\_\_\_

**(Provide documentation.)**

No, the parent lot or parcel was created after July 1, 2001.

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4. Is the remainder of the parent lot or parcel that does not contain the non-farm dwellings 160 acres or greater?

Yes, the remainder of the parent lot or parcel is greater than 160 acres.

No, the remainder of the parent lot or parcel is smaller than 160 acres

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5. Are the parcels for the non-farm dwellings generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

Yes, the parcels for the non-farm dwellings are generally unsuitable for farming. Please explain in detail.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Additional space provided on Page 8)

No, the parcels are suitable for farming.





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*Type IV, Review III, Level II. Partitions of land in an EFU, Exclusive Farm Use Zone, when creating two (2) non-farm parcels intended for two (2) non-farm dwellings when the parent parcel remains greater than 40 acres in size. The new parcel and the parent parcel must BOTH qualify as non-farm dwelling parcels.*

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1. Is the current parcel 40 to 160 acres in size?  Yes, the current parcel is between 40 to 160 acres in size.
- No. (Do not continue. Your request does not qualify under Review III, Level II.)

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2. Have the non-farm dwellings been approved under UCDC § 152.059 (K) (VI)?  Yes, the non-farm dwelling request has been submitted for approval. If not, explain.
- \_\_\_\_\_
- \_\_\_\_\_

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3. Was the parcel lawfully created prior to July 1, 2001;  Yes, the parent lot or parcel was created prior to July 1, 2001, on (date)\_\_\_\_\_
- (Provide documentation.)**
- No, the parcel was created after July 1, 2001.

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4. Does the parcel have established water rights for irrigation?  Yes, there are established water rights,
- (Provide documentation.)**
- No, there are no established water rights

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5. The parcel is not capable of producing more than at least 20 cubic feet per acre per year of wood fiber;  Yes, the parcel is capable of producing more than at least 20 cubic feet per acre per year of wood fiber.
- No, the parent parcel is not capable of producing more than 20 cubic feet per acre per year of wood fiber.
- (Provide documentation.)**

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6. The property is either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and the parcels are not capable of producing adequate herbaceous forage for grazing livestock.

Yes, each proposed parcel is comprised of Class VII soil or VIII soil, or Class VI through VIII soils and the parcels are not capable of producing adequate herbaceous forage for grazing livestock. (Attach NRCS soil information)

No, the parcels are composed of other soil Classes.

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7. Is the parcel generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract.

Yes, the parcel is generally unsuitable for farming. (Please explain in detail why.)

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A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

(Additional space provided on Page 11)

No, the parcel is suitable for farming.

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8. Is the property under Special Farm Assessment? The proposed parcels upon which non-farm dwellings are approved shall be disqualified from the farm tax deferral program and the tax penalty paid prior to final partition approval.

Yes, the parcel is under Special Farm Assessment. The non-farm parcel(s) are to be disqualified from Special Farm Assessment and taxes paid prior to final approval.

No, the parcel is not on Special Farm Assessment.



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## Section 4 -Type IV, Review III – Divisions in Resource Zones

Taken from UCDC 152.710 (E), Type IV Land Divisions; also review the provisions in UCDC 152.610 – 652 “General Provisions” which applies to all land division applications.

**Please provide an attached narrative responding to the listed criteria below. Please respond individually to each criteria listed below in your attached narrative.**

The Type IV, Review IV Land Division process is to create a parcel for a non-farm use, **other than for a dwelling**, if it finds that the parcel for the non-farm use is not larger than the minimum size necessary for the use. (The non-farm uses are used allowed by ORS 215.283 (2).)

1. Describe the non-farm use that is or will be located on the parcel.
2. Is the parcel for the non-farm use an adequate size necessary for the protection of public health? Please show on the site plan and/or explain.
3. Is the parcel to be created the minimum size needed to accommodate the non-farm use and its’ accessory uses, structures and facilities? Please show on the site plan and /or explain.
4. Is the non-farm use compatible with adjoining land uses and also be a size necessary to mitigate adverse impacts? Please describe the adjoining uses and how the non-farm use and parcel will be compatible
5. How will the non-farm use affect the overall land use pattern of the area and immediate vicinity? Please describe and explain.
6. The non-farm use will comply with the development standards in § 152.063, and applicable standards in §§ 152.010 through 152.017, §§ 152.545 through 152.562, and §§ 152.615 and 152.616.