



UNION COUNTY Planning Department

Inga Williams
Planning Director

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STAFF REPORT CONDITIONAL USE APPLICATION

Purpose of the Application	Gain approval to construct two additions to an existing elementary school
Relevant Ordinance¹ Criteria	Article 2, Subsections 2.04.52, 2.05.23, 2.05.26.C, 2.06; Article 20; Article 21, Subsections 21.01 through 21.06; Article 24, Subsection 24.03
Property Location	A property located at T01S, R39E, Section 20CA, Tax Lot 1400 and 2401. The assigned addresses are 520 5 th Street and 520 6 th Street.
Property Owner & Applicant	Imbler School District No. 11
Zone Designation	Exclusive Farm Use (UC-A1)
Comprehensive Plan Designation	Exclusive Agriculture

I. 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

¹ Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO)

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.

II. 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 expansion of the Imbler Elementary School based on the analysis and findings in the staff report, information in the application, and testimony at the public hearing and require completion of the conditions of preliminary approval listed in Section III of the staff report."

Motion to Deny

"I move that the Planning Commission deny this Conditional Use application for expansion of the Imbler Elementary School based on...."

III. PROPOSED CONDITIONS OF PRELIMINARY APPROVAL

- 1) Period of validity: The preliminary approval for the expansion of Imbler Elementary School is one year from the date of decision. All Conditions of Preliminary Approval shall be completed prior to expiration of the period of validity. One year extensions may be granted by the Planning Director based on applicable circumstances.
- 2) The applicant shall develop the subject site as indicated in the site plan provided in the application. Any revisions to the site plan shall be reviewed and approved by the Planning Director. The Planning Director shall determine if the revision can be administratively approved or will need to go through a new conditional use permit application process.
- 3) The applicant shall provide proof that school parking meets the requirements of one space per classroom, plus one space per administrative employee.

IV. NOTIFICATION

The applicant submitted the Conditional Use application to the Planning Department (department) on October 17, 2024. The department deemed the application complete on October 28, 2024. 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 Hearing to property owners within 500 feet of the property

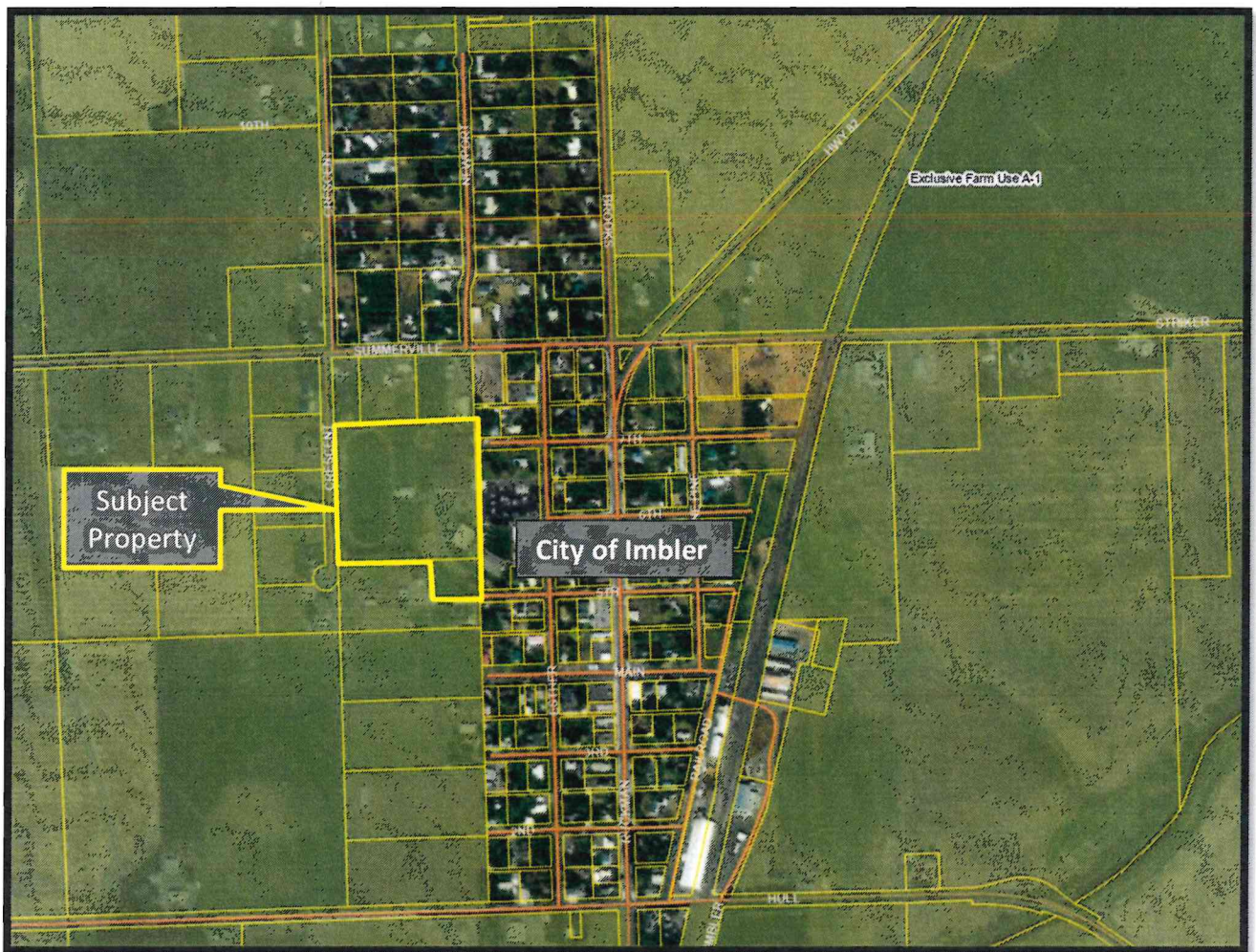
subject to this application (subject property) and placed a legal ad in the East Oregonian on November 13, 2024.

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 10 calendar days from the date of the decision to appeal the Planning Commission's decision to the Board of County Commissioners.

As part of the staff review of the application, staff sent a request for comments to the Union County Public Works Director, the county's Building Official, the City of Imbler's City Recorder, and the Imbler Rural Fire Protection District.

V. BACKGROUND AND PROPERTY INFORMATION

Prior to the 2009 Regular Session of the legislature, public or private schools were an allowed use without review. House Bill 3099 changed it to an allowed use subject to review in areas zoned for exclusive farm use. This made all schools in an exclusive farm use zone a legal nonconforming use. Then in the 2019 Regular Session, House Bill 3384 outlined criteria to allow a nonconforming public or private school to expand, placed in the Oregon State Statutes as 215.135.



In September 2011, the Planning Commission approved a Conditional Use application to replace existing buildings with a 22,300 square foot classroom and multipurpose building.

The proposed building was located partially in the City of Imbler's Residential zone and partially in Union County's A-1 zone and, therefore, needed approval of both governments. Once the Conditional Use was approved this use became conforming and is no longer required to meet the requirements for expansion of a nonconforming use, but expansion still requires the submittal of a new conditional use application.

The two proposed building additions in this application are only located within the Union County A-1 zone and are only required to gain Union County Planning Commission approval. The additions will be a 2,633 square foot classroom and a 2,100 square foot multipurpose room.



The subject property is accessed from Esther Avenue and 5th Street. These additions will not alter existing access to the property.

There are no flood zones or wetlands on the property. The property contains Imbler fine sandy loam (30B) which has a land capability classification of 2e, irrigated, and 3e, nonirrigated. The Natural Resources Conservation Service classifies this soil type as prime farmland.

The Imbler School District has owned Tax lot 1400 since 1946². The school district has owned Tax lot 2401 since January 1998³.

VI. FINDINGS APPLYING CODE CRITERIA

² State Record of Deed: Book 112 Page 604 and Book 110, Page 194

³ Warranty Deed 980376

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

Oregon Administrative Rules 660-033-0130(18)

(a) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of sections (5) and (20) of this rule, but shall not be expanded to contain more than 36 total holes.

(b) Notwithstanding ORS 215.130, 215.213, 215.283, or any local zoning ordinance or regulation, a public or private school, including all buildings essential to the operation of a school, formerly allowed pursuant to ORS 215.213(1)(a) or 215.283(1)(a), as in effect before January 1, 2010, may be expanded provided:

(A) The expansion complies with ORS 215.296;

(B) The school was established on or before January 1, 2009;

Finding: This rule does not apply because the facility is not wholly within a farm use zone.

UCZPSO Article 2.00 A-1 Exclusive Farm Use

Subsection 2.02.52

Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to Subsection 2.05.26.A. This use is not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to Subsections 2.05.23 and 2.05.26.C.

Findings: The Natural Resources Conservation Service classifies this soil type as prime farmland and, per the definition in Subsection 1.08, it is considered High Value Farmland. Since the school is existing it can be expanded if it meets the requirements of Subsection 2.05.23 and 2.05.26.C.

Subsection 2.05.23

Schools as formerly allowed pursuant to ORS 215.283(1)

(a) that were established on or before January 1, 2009, may be expanded if:

A. The Conditional Use Review Criteria in Section 2.06 are met; and

B. The expansion occurs on the tax lot on which the use was established on or before January 1, 2009 or a tax lot that is contiguous to the tax lot and that was owned by the applicant on January 1, 2009.

Findings: The proposed expansions are occurring on a tax lot on which the use is established and a tax lot that is contiguous to and which has been owned by the applicant prior to 2009. This subsection may need to be updated to comply with Rule and Statutes.

Oregon State Statute 215.135

Expansion of nonconforming school in exclusive farm use zone.

(1) Notwithstanding ORS 215.130, 215.213 or 215.283 or any local zoning ordinance or regulation, a public or private school, including all buildings essential to the operation of the school, formerly allowed pursuant to ORS

215.213 (1)(a) or 215.283 (1)(a), as in effect before January 1, 2010, may be expanded provided:

- (a) The expansion complies with ORS 215.296;**
 - (b) The school was established on or before January 1, 2009;**
 - (c) The expansion occurs on a tax lot:
 - (A) On which the school was established; or**
 - (B) Contiguous to and, on January 1, 2015, under the same ownership as the tax lot on which the school was established; and****
 - (d) The school is a public or private school for kindergarten through grade 12.**
- (2) A county may not deny an expansion under this section upon any rule or condition establishing:**
- (a) A maximum capacity of people in the structure or group of structures;**
 - (b) A minimum distance between structures; or**
 - (c) A maximum density of structures per acre.**

Findings: Until the Oregon legislature approved 2009 House Bill 3099, schools were an allowed use without review in an exclusive farm use zone. When the legislature approved HB 3384 in 2019, a school became a legal nonconforming use. In 2011, the Imbler School District #11 applied for and was approved for a Conditional Use. The approval of that Conditional Use should have made the school a conforming use, which is still required to meet the general conditional use requirements but not the expansion requirements for a nonconforming use.

However, even under the criteria for a nonconforming use, the school meets the requirements for expansion.

- The school was established before 2009.
- The expansion occurs on a tax lot on which the school was established.
- The school is a public elementary school.

Compliance with ORS 215.296 refers to standards of approval of certain uses in exclusive farm use zones. These standards are described in Subsection 2.06.2 and 2.06.3.

Subsection 2.02.26.C.

Expansion standards. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of Subsection 2.04.54 and Section 2.06.

Findings: This facility is not wholly within a farm use zone but it is being expanded on the same tract⁴ and within the A-1 Exclusive Farm Use zone only.

Section 2.06 CONDITIONAL USE REVIEW CRITERIA

- 1. An applicant for a use permitted in Section 2.04 must demonstrate compliance with the following criteria in addition to the applicable standards in Article 21.00 and subject to the review process identified in Section 24.03.**

⁴ Adjacent parcels under the same ownership.

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.**

Findings: Article 21 outlines the Conditional Uses processes and procedures and standards for specific uses. The application is complying with the processes and procedures of Article 21. 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 is the application review procedures that are also being followed.

Findings related to #2: The properties directly adjacent to this use are residential uses with a 2 acre average sized lot. The school is partially within the City of Imbler, which is developed with urban residential uses. Agricultural uses occur further south, north, and west with the closest agricultural use approximately 400 feet away from the subject property boundary.

Findings related to #2: This use has been in existence for over 50 years. Access to the property is from streets within the City of Imbler so that farm and school traffic are separated. The two additions will not require a change to the existing access points nor create conflicts with farm or forestry.

UCZPSO Article 20 Supplementary Provisions

Section 20.11 OFF-STREET PARKING AND LOADING 1. OFF-STREET PARKING: At the time of erection of a new structure, or at any time of enlargement or change in use of an existing structure within any zone in the County, off-street parking spaces shall be provided for the new construction as indicated in this section unless greater requirements are otherwise established. Where square feet are specified the area measured shall be the new gross floor of the building primary to the functioning of the particular use of the property other than space devoted to off-street parking for employees. Where employees are specified the term shall apply to all persons including the proprietors working on the premises during the peak shift.

Elementary or junior high school/One space per classroom, plus one space per administrative employee

Findings: A proposed condition of preliminary approval will require the school district to provide evidence that they have sufficient parking for the school in accordance with Section 20.11.

UCZPSO Article 21 Conditional Uses

Section 21.05 TIME LIMIT ON A CONDITIONAL USE

Authorization of a conditional use shall be void after one year unless substantial construction pursuant thereto has taken place. However, one year time extensions may be granted by the Planning Director if the applicable circumstances are unchanged.

Findings: A proposed condition of preliminary approval will limit the preliminary approval to one year with the possibility of one year time extensions based on circumstances.

Section 21.06 GENERAL STANDARDS GOVERNING CONDITIONAL USES

The following standards and criteria shall govern conditional uses, except as provided in subsection 21.07:

- 1. A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as specifically modified by the Planning Commission in granting the conditional use.**

Findings: Subsection 21.06.1 refers review back to specific conditions for A-1 Conditional Uses and for expansions of schools.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

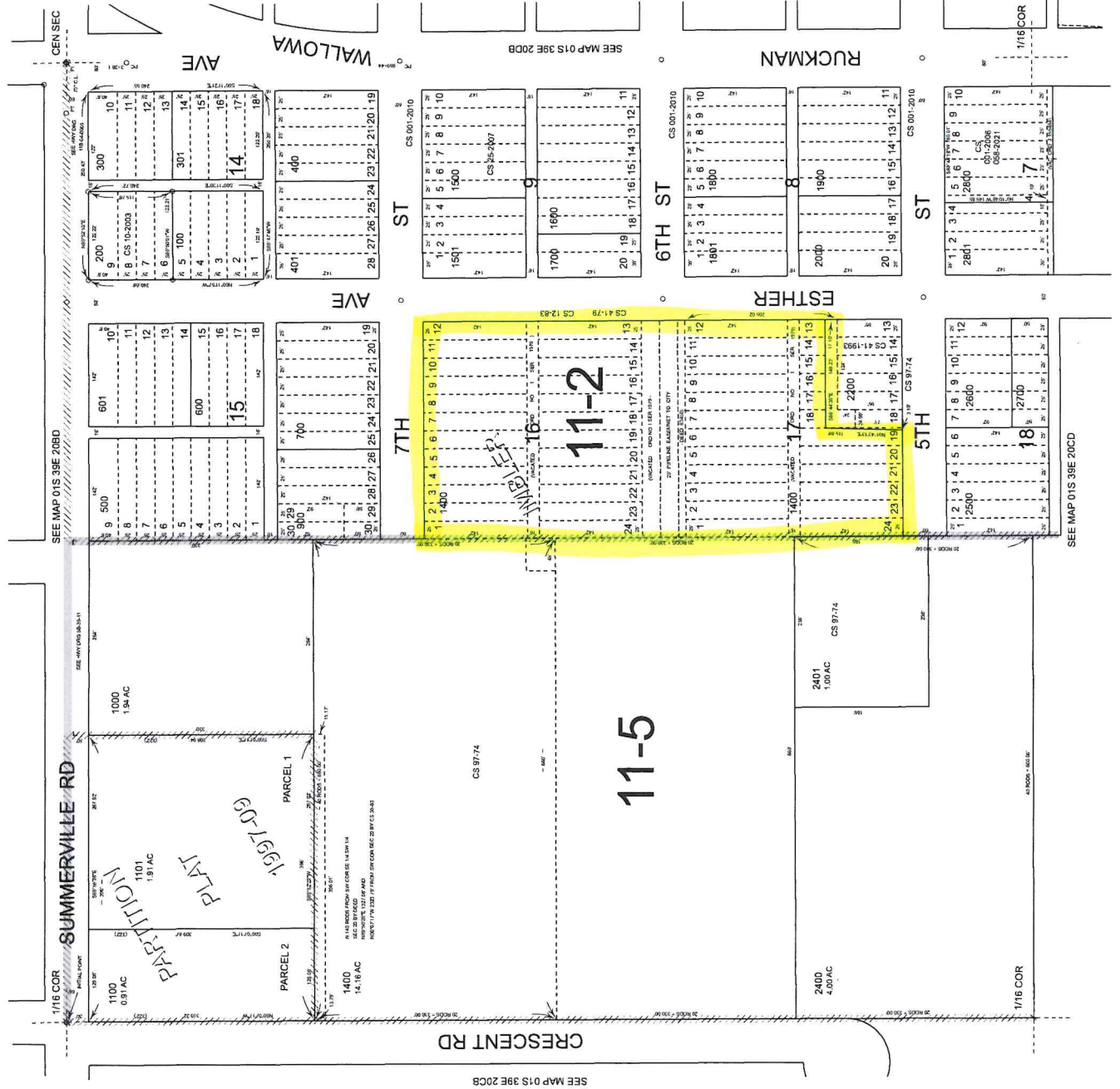
0 50 100 150 200 Feet

N.E. 1/4 S.W. 1/4 SEC. 20 T. 1S. R. 39E. W.M.
UNION COUNTY

1" = 100'

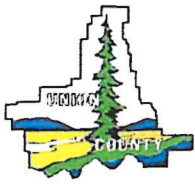
01S39E20CA
IMBLER

Cancelled
600
901
902
1200
1300
1400
2100
2300



Revised: MA
01/12/2022

IMBLER
01S39E20CA



UNION COUNTY Planning Department

Scott Hartell, Planning Director

1001 4th Street, Suite C

La Grande, OR 97850

PHONE (541) 963-1014

FAX (541)963-1039

RETURN TO UNION COUNTY PLANNING DEPARTMENT

- Minor Partition
 Major Partition
 Conditional Use
 Variance
 Other: _____

A. APPLICANT (1) Imbler School District No. 11 owner and/or
 (2) _____

authorized agent of real property described as:

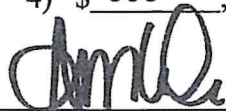
Twp.	Range	Section	Tax Lot
<u>1 South</u>	<u>39 East</u>	<u>20</u>	<u>01S3920CA -1400</u>
			<u>01S3920CA -2401</u>

B. The applicant requests the following in accordance with the provisions of the Union County Zoning Ordinances:
 It is proposed to Construct two additions to the existing elementary school. 2,633 square foot classroom(s) addition and 2,100 square foot multi-purpose room.

C. Evidence supporting the request: (Attach additional materials if necessary)
 The applicant alleges that the approval of the application or change would be in harmony with the intent and purpose of said zoning ordinances and that the proposed use conforms to the standards and/or criteria prescribed therefore in said ordinances and would not be detrimental to property or persons in the neighborhood for the following reasons Refer to the attached letter.

- D. A tentative plan attached including:
- 1) Vicinity map marked "Exhibit A"
 - 2) Detailed plot plan marked "Exhibit B" and
 - 3) Statements of explanatory information marked "Exhibit C"
 - 4) \$ 300, being the fee provided by Ordinance, is attached.

Amber Van Ocker, LKV
Architects

 10/16/2024

Signature(s) Authorized Agent

2400 E. Riverwalk

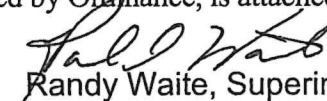
Street/Mailing Address

Boise, Idaho 83706

City, State, Zip Code

208-336-3443

Phone Number


Randy Waite, Superintendent

Signature(s) of all landowners

6th & Esther Ave.

Street/Mailing Address

Imbler, Oregon 97841

City, State, Zip Code

541-534-2311

Phone Number



October 16, 2024

Project: Imbler School District #11
Imbler Elementary School Addition

Attention: Union County Planning Department
1001 4th Street, Suite C
LaGrande, Oregon 97850
Scott Hartell, Planning Director
Lorcinda Johnston, Assistant Planner

Ms. Johnston,

Please accept this request for approval of an addition to the existing Imbler Elementary School in Imbler Oregon. The addition will consist of a 2,633 square foot classroom addition and a separate 2,100 square foot multi-purpose room addition. Both additions occur on the south side of the existing facility and will not require modification of the existing access road. All existing site access points and parking lots will not be modified with this application.

The agricultural zone of the existing school site requires any expansion of the existing use to meet the requirements of OAR 660-033-0130 (18). The Imbler School campus was established on this parcel prior to January 1, 2009, per OAR 660-033-0130 (18) B and is not considered high-value farmland.

Approval of this Conditional Use permit would not be detrimental to property or persons in the neighborhood. This approval will not force a change in accepted farm or forest practices on surrounding lands devoted to farm or forest practices, nor will it increase the cost of accepted farm or forest operations because the existing parcel has been owned and maintained as an educational facility for the last 100 years. The new construction will not detract or prevent any adjacent farming activities from occurring.

On behalf of the Imbler School District please accept this request for approval of a Conditional Use Application and if there are any questions or comments, I am available to answer them.

A handwritten signature in black ink, appearing to read 'Amber Van Ocker', is written over the printed name.

10/16/2024

Amber Van Ocker, Architect
LKV Architects

Attachments:
Vicinity Map -Exhibit A
Site Plan – Exhibit B
Floor Plan