



UNION COUNTY Planning Department

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File No. 2025-0002

STAFF REPORT CONDITIONAL USE PERMIT – ACCESSORY DWELLING UNIT

Nature of Application	Establish an existing manufactured home as an Accessory Dwelling Unit (ADU)
Applicable Criteria	UCZPSO 8.03 11. Establishing an Accessory Dwelling Unit (ADU) UCZPSO 21.02 Application for Conditional Use
Property Location	The subject property's addresses are 64344 Marks Road and 64346 Marks Road; La Grande. The subject property is described as Twp. 02S, Range 38EWM, Section 09-00, Tax Lots 2000 and 2001. Tax Lot 2001 was created for financial purposes only and did not partition the parent parcel.
Property Owners & Applicants	James A. and Linda A. Albrecht
Zone Designation	R-3 Farm Residential
Comprehensive Plan Designation	R-3 Farm Residential

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 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 an accessory dwelling unit based on the analysis and findings in the staff report, information in the application, written testimony, and verbal testimony at the public hearing. This motion includes the requirement for the applicant to complete all conditions of preliminary approval prior to starting the use and compliance with all conditions of operating approval throughout the existence of the use, as listed in Section III of the staff report."

Motion to Deny

"I move that the Planning Commission deny this Conditional Use application for an accessory dwelling unit based on the following reasons..."

III. PROPOSED CONDITIONS OF APPROVAL

Preliminary Approval

1. This preliminary approval shall be valid for one year from the date of decision. One year time extensions may be granted by the Planning Director if the applicable regulations and circumstances of the application are unchanged. If all conditions of preliminary approval are not completed within the specified time frames, this approval shall be null and void. Final approval, which allows the applicants to utilize the dwelling as an ADU, shall be granted when all preliminary conditions are completed.
2. The applicants shall comply with all applicable state laws relating to water supply, sanitation and wastewater disposal.
 - a. The applicants shall request an onsite septic evaluation from DEQ and provide the Planning Director with a copy of the completed evaluation. If the DEQ requires alteration of the existing system or a new system to accommodate the use, the applicants shall complete that requirement.
3. The applicants shall comply with Oregon Building Codes regarding renovations to a mobile home. The applicants shall provide documentation of permitting and inspection by the Union County Building Department for interior and exterior alterations including, but not limited to, those that reduced the useable floor space in the existing manufactured home.

4. The applicants shall record a Covenants, Conditions and Restrictions document in the Union County Clerk's Office prohibiting short-term rental use of the Accessory Dwelling Unit.
5. The applicants shall comply with the Fire Siting Standards of UCZPSO Subsection 8.06.
6. The applicants shall provide proof that their parcel was legally created (created in its present form and acreage prior to Nov. 8, 1973) or validate their parcel as a unit of land not lawfully established through the process outlined in ORS 92.176.

Operating Approval

1. The applicant shall maintain the subject site for the ADU as indicated in the application, exhibits, and site plan. Any revisions to the site plan specific to the ADU shall be reviewed and approved by the Planning Director. The Planning Director shall determine if the revision can be administratively approved or will require a new conditional use permit application.
2. Existing and subsequent property owners are prohibited from partitioning the ADU from the primary dwelling.

IV. BACKGROUND AND PROPERTY INFORMATION

The subject property has 16.10 acres in Union County's R-3 Farm Residential Zone and Rural Residential Plan classification, which is intended to provide areas suitable and desirable for small acreage residential parcels that will maintain rural character and can be developed in harmony with both urban uses and agriculture, timber or grazing activities. The R-3 Farm Residential Zone is implemented by the Union County Zoning, Partition & Subdivision Ordinance (UCZPSO) Article 8.00.

The subject property appears to have been created in its present configuration through Document No. 104576, which was recorded in the Union County Clerk's Office on March 4, 1982. Staff is unable to verify any date before 1982 to ensure that this parcel was legally created. This is after the date (Nov. 8, 1973) by which a parcel would be considered a legal parcel without the benefit of a partition or property line adjustment.

The subject property is accessed from Marks Road, a Public Use road with a 60-foot right-of-way width and gravel surface. One adjacent parcel north of the subject property is in the A-1 Exclusive Farm Use Zone and the remaining eight adjacent parcels are in the R-3 Farm Residential Zone. One adjacent parcel west of the subject property is not residentially developed; the remaining eight adjacent properties are residentially developed.

The subject property is not in a floodplain or big game winter range overlay area.

The existing manufactured home and current location was approved as a Temporary Medical Hardship Dwelling by the Planning Commission on August 1, 2006, and also re-established as a Hardship Dwelling on September 9, 2021.

V. WRITTEN COMMENTS

At the time of this printing, no comments had been received from the public. The Union County Building Department stated that manufactured homes are not designed to be altered without an engineer; additional information would be needed for the Union County Building Department to determine whether alterations to the applicant's manufactured home would require a building permit.

VI. CODE CRITERIA

All applications are subject to the requirements of the Union County Zoning Partition and Subdivision Ordinance (UCZPSO). Sections in boldface type below denote relevant Ordinance sections. Sections in regular type denote staff analysis of the application.

UCSPZO Article 21.00 Conditional Uses

Subsection 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: This use is being reviewed in accordance with the specific standards of the R-3 zone.

UCSPZO Article 8.00 R-3 Farm Residential Zone

Subsection 8.03 Conditional Uses

The following use may be established in Union County's R-3 Farm Residential Zone by conditional use permit approved by the Planning Commission:

11. One accessory dwelling unit (ADU).

1. Subject to the following:

A. The lot or parcel is two (2) acres or greater in size;

Findings: The parcel is 16.10 acres.

B. One single-family dwelling is sited on the lot or parcel which is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;

Findings: The parcel contains one legal dwelling. The parcel is not subject to a code compliance action.

C. If the lot or parcel is in an area identified on a statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the lot or parcel and accessory dwelling unit will comply with any applicable minimum defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392;

D. If no statewide map of wildfire risk has been adopted or if the lot or parcel is not in an area identified on a statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the accessory dwelling unit will comply with the provisions of any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392 and the accessory dwelling unit will have adequate access for firefighting equipment, safe evacuation and staged evacuation areas ; and

Findings: According to the Oregon Wildfire Risk Explorer, the parcel is located in the Wildland Urban Interface (WUI) Boundary but is in an area of moderate hazard. Since the parcel is not in a high hazard area state criteria would not apply, but local criteria does apply because it is located in a WUI. Although the manufactured home is existing on the property, it should have been removed once the medical hardship was no longer needed. So, this structure will be treated as a new structure and the applicants will be required to satisfy the Fire Siting Standards of UCZPSO Subsection 8.06. This will be a condition of preliminary approval.

Subsection 8.06 Development & Fire Siting Standards

The following standards shall apply to all development in the R-3 Farm Residential Zone. Fire siting standards shall apply only to new dwellings and related structures in the R-3 Zone where the predominant use is forestry [OAR 660-06-055(3)] and where dwellings are on cropland or rangeland within ¼ mile of forestland areas.

Findings: The structure is 0.6 miles away from any forested area so the fire siting standards do not apply to this structure.

- E. A site plan drawn to scale will be submitted that identifies the property lines of the subject property, the location of the existing dwelling, the location of the proposed accessory dwelling unit, the distance between the existing dwelling and the proposed accessory dwelling unit, the distance from the proposed accessory dwelling unit to all property lines and the square footage of the proposed accessory dwelling unit.**

Findings: The applicant submitted a site plan drawn to scale that includes property lines of subject property; locations and dimensions of the existing primary dwelling, outbuildings, existing septic tanks, existing point of ingress and egress, and location of the proposed ADU (existing manufactured home) with distances to the existing primary dwelling. The applicant also submitted a structural sketch of the existing manufactured home sited on Tax Lot 2001 that they request approval as an Accessory Dwelling Unit.

2. In the event approval is granted, the following standards and limitations shall apply:

- A. The accessory dwelling unit cannot be located more than 100 feet from the existing dwelling.**

Findings: The manufactured dwelling to be used for the ADU meets this requirement. The applicants' site plan indicates that the manufactured home, which is the proposed ADU, is located approximately 98 ft. from the primary dwelling.

- B. The accessory dwelling unit is limited to 900 square feet of useable floor space.**

Findings: The interior of the manufactured home is larger than 900 square feet. The envelope of the proposed ADU structure (including all area within exterior walls) contains 1,152 sq. ft. The applicants have submitted a structural drawing identifying areas of the manufactured home that they will close off in order to reduce the interior floor space to 900 square feet. They propose to close off one bedroom and one closet in another bedroom and provide only access from the outside to these areas. The application states that with these alterations, the interior floor space will be reduced to 893.40 sq. ft.

Planning Commission interpretation is required on this point. Is it acceptable for the envelope of the applicants' ADU to be larger than 900 square feet as long as the interior is limited to 900 square feet of useable floor space, or was the intent to limit the structure housing the ADU to a maximum of 900 square feet?

C. The accessory dwelling unit will comply with all applicable state laws relating to water supply, sanitation and wastewater disposal.

Findings: The application states that the manufactured home has existing water for irrigation and domestic use, septic tank and drain field. An onsite septic evaluation by the DEQ and compliance with all applicable state laws relating to water supply, sanitation and wastewater disposal is a condition of preliminary approval.

D. The accessory dwelling unit cannot be utilized for vacation rental occupancy.

Findings: The applicants are required to sign and record a Covenants, Conditions and Restrictions document in the Union County Clerk's Office prohibiting short-term rental use of the Accessory Dwelling Unit. This is a condition of preliminary approval.

E. The lot or parcel cannot be subdivided or partitioned so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit.

Findings: This is a condition of operating approval.

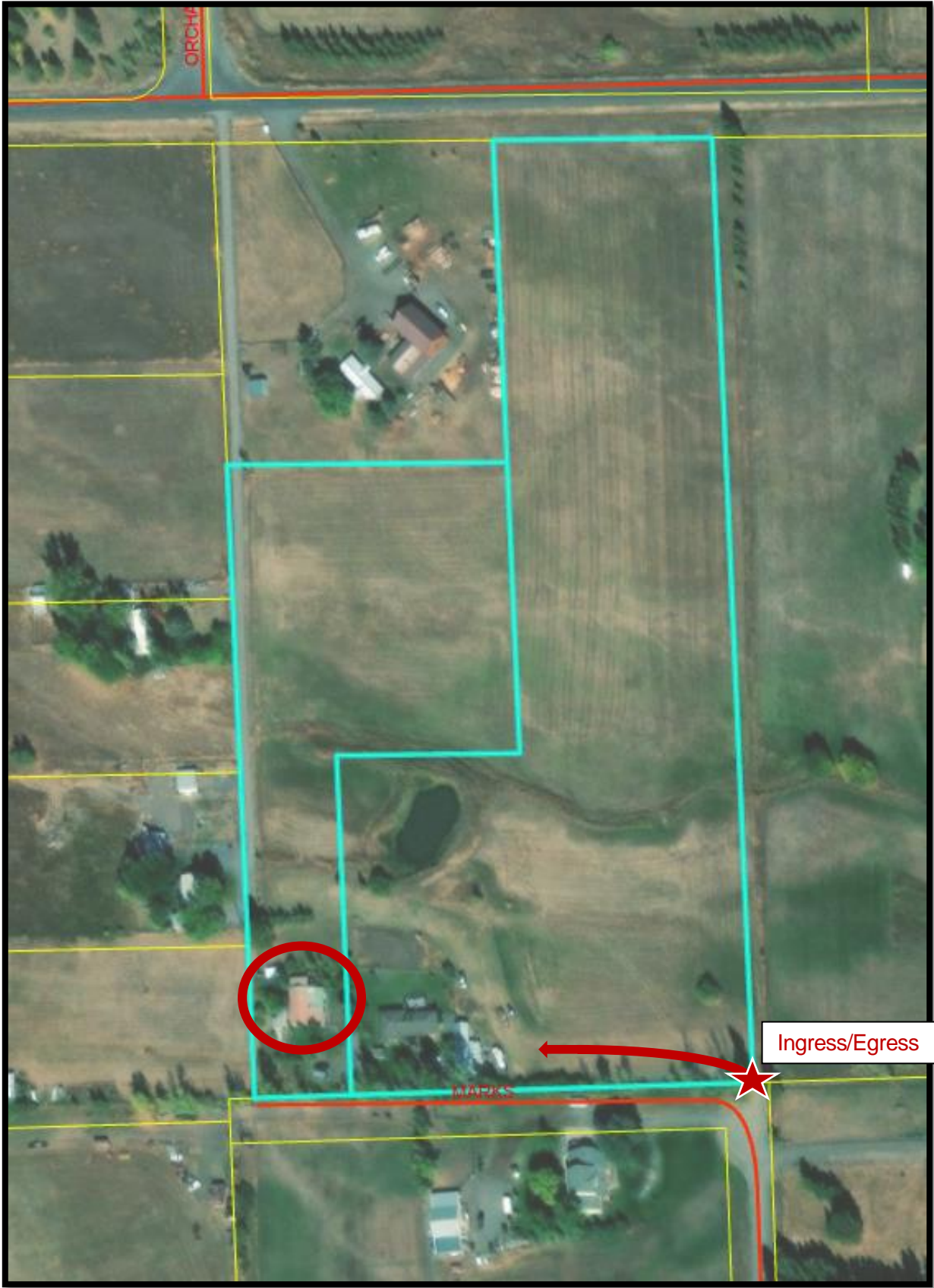
F. The lot or parcel is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410.

Findings: Fire service to the parcel is served by the La Grande Fire Protection District.

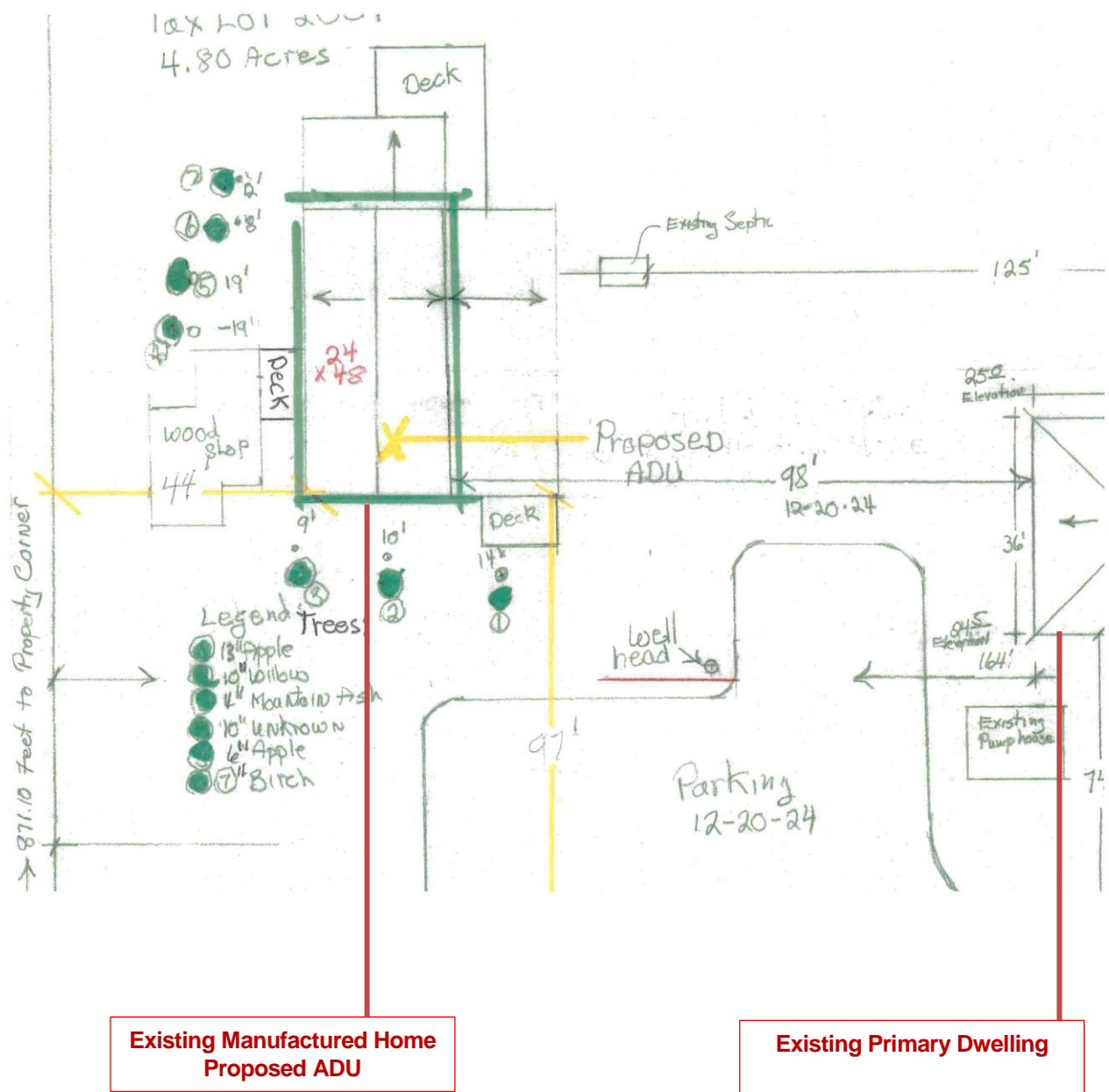
VII. NOTIFICATION

On January 14, 2025, the applicants submitted a Conditional Use Permit application to the Union County Planning Department requesting approval to establish an Accessory Dwelling Unit (ADU). The Planning Director deemed the application complete on January 14, 2025. 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 1) mailed to property owners within 250 feet of the subject property on January 22, 2025; and 2) emailed to relevant agencies and county departments on January 22, 2025; and 3) published in the East Oregonian newspaper on February 12, 2025. Within five working days of the Planning Commission's decision, 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.





Portion of applicant's Site Plan



Structural Sketch of Existing Manufactured Home / Proposed ADU

