



UNION COUNTY Planning Department

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APPLICATION NUMBER: 2025-0015

STAFF REPORT CONDITIONAL USE APPLICATION

Purpose of the Application	Establish an Accessory Dwelling Unit
Relevant Ordinance Criteria	UCZPSO 8.03.12 Accessory Dwelling Unit (ADU), 8.05 Development Standards, 8.06 Fire Siting Standards UCZPSO 21 Conditional Uses
Property Owners & Applicants	Jon & Lara Paustain Hunter Paustian
Property Location	Twp 02S, Range 38E, Section 32, Tax Lot 4300 62065 Blackhawk Train Lane, La Grande
Zone Designation	R-3 Farm Residential Zone
Comprehensive Plan Designation & Intent of classification	Farm Residential Plan Classification: To provide areas suitable and desirable for small (10-acre minimum) agricultural uses and rural living opportunities.

I. QUASI-JUDICIAL LAND USE DECISION

A motion to approve or deny includes findings that justify the approval or denial of the application as presented during the public hearing, which may include the application, exhibits, staff report, and testimony. Only findings which support the Planning Commission's motion should be read into the record.

Motion to Approve

"I move that the Planning Commission approve this Conditional Use application for an 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 II 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..."

II. PROPOSED CONDITIONS OF APPROVAL

Preliminary Approval

1. The preliminary approval shall be valid for one year from the date of decision. Four 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 frame, this approval shall be null and void. Final approval, which allows the applicants to apply for permits, shall be granted when all preliminary conditions are completed.
2. The property owners shall comply with all applicable state laws relating to water supply, sanitation and wastewater disposal.
 - a. The property owners shall request an onsite septic evaluation and provide the Planning Director with a copy of the completed evaluation.
3. The property owners 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.
4. The applicants shall comply with the Fire Siting Standards of UCZPSO Subsection 8.06.

Operating Approval

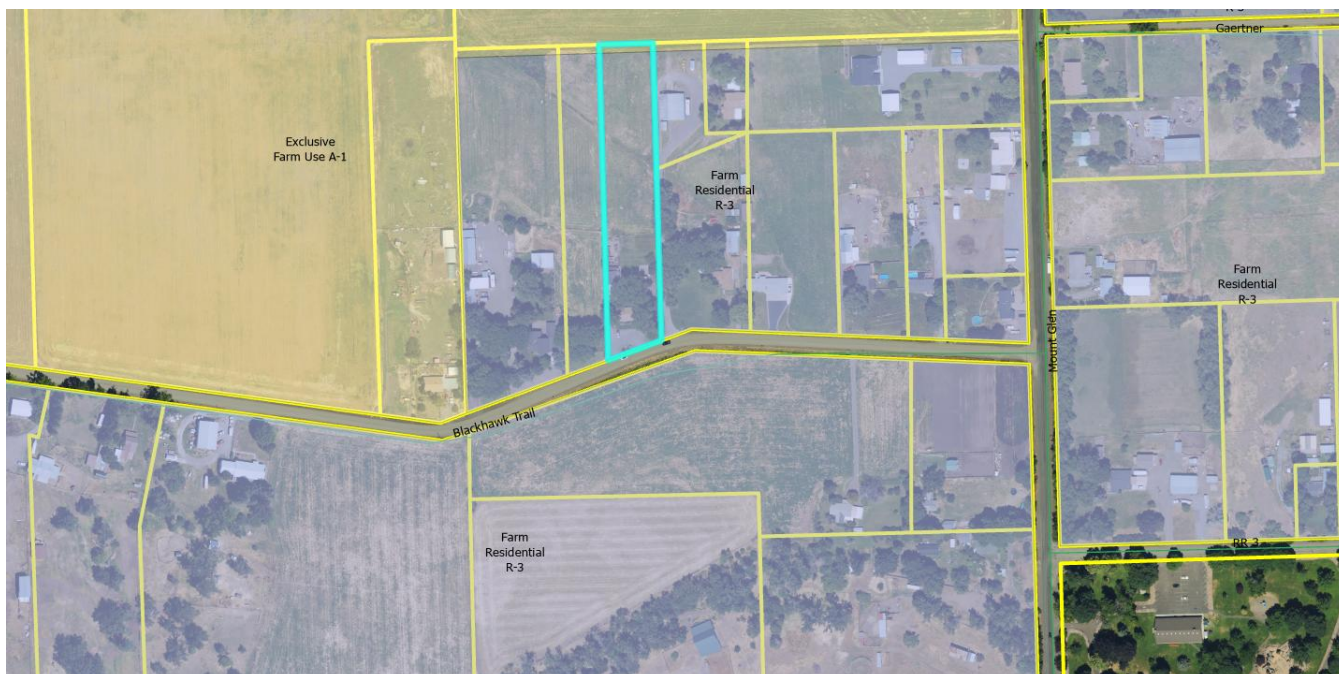
1. The property owners shall maintain the subject site for the ADU as indicated in the application, exhibits, and site plan. Any revisions to the site plan specific to the ADU shall be reviewed and approved by the Planning Director. The Planning Director shall determine if the revision can be administratively 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.

I. BACKGROUND AND PROPERTY INFORMATION

The subject property is 2.00 acres in Union County's R-3 Farm Residential Zone. The R-3 Farm Residential Zone is implemented by Union County Zoning, Partition & Subdivision Ordinance (UCZPSO) Article 8.00.

The subject property is Tract G of the Proebstel Tracts, created prior to 1951, and is a legal parcel.

The subject property is accessed from Blackhawk Trail, a public use road with a 60-foot right-of-way width and gravel surface. The adjacent parcel north of the subject property is in the A-1 Exclusive Farm Use Zone. Adjacent parcels to the south, east and west are in the R-3 Farm Residential Zone. The adjacent parcel west of the subject property is not residentially developed; the other parcels north and south of road in the R-3 zone are residentially developed.



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

II. WRITTEN COMMENTS

At the time of finalizing this report, no comments had been received from the public or reviewing agencies.

III. 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 2.00 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 will not apply but local criteria does apply. The applicants will be required to satisfy the Fire Siting Standards of UCZPSO Subsection 8.06. This will be a condition of preliminary approval.

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 all of the requirements. The applicant also submitted an image of the proposed ADU.

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 proposed ADU will be situated 42 feet from the existing dwelling.

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

Findings: The site plan indicates that the proposed ADU will be 32' X 22', which is 704 square feet of useable floor space. Open porches, as shown in the building sketch, are not counted toward the 900 square feet.

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

Findings: An onsite septic evaluation 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 property owners 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: The parcel is 2 acres in a 10-acre minimum zone. Even were the zoning district to be changed to the R-2 district, 2 acres is the minimum size allowed by the State. This parcel cannot be partitioned as long as it is within the county. If it were to be annexed into the City of La Grande in the future, city regulations would apply to the property.

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.

IV. 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.

V. NOTIFICATION

The applicants submitted a Conditional Use Permit application to the Union County Planning Department requesting approval to establish an Accessory Dwelling Unit (ADU) on April 23, 3035. The Planning Director deemed the application complete on April 24, 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 mailed to property owners within 250 feet of the subject property on June 4, 2025 and published in the East Oregonian newspaper on June 11, 2025.

Within five working days of the Planning Commission's decision, a Notice of Decision will be mailed to the applicant and all participating parties, and will include appeal procedures permitted within 30 days calendar days from the date of the decision.