

STAFF REPORT

Planning Department File No. 2022-06-009

CONDITIONAL USE APPLICATION FOR A PRIVATE SCHOOL

Planning Commission Meeting Date: July 28, 2022

1. **APPLICANT:** Oregon Trail Mennonite Church Inc
839 Onion Ave
Ontario, Oregon 97914
2. **OWNER OF RECORD:** Oregon Trail Mennonite Church Inc
839 Onion Ave
Ontario, Oregon 97914
3. **PROPOSED ACTION:** Conditional Use approval for a private school.
4. **PROPERTY IDENTIFICATION:** Tax Lot 400, T17S, R47E, Sec. 29; Assessors Map 17S47E29; Malheur County Reference #15899.
5. **PROPERTY LOCATION AND DIRECTIONS:** from Ontario, head north on Hwy 201 for 3.5 miles. Turn left onto Chester Rd. Continue for $\frac{3}{4}$ mile. Turn left onto Foothill Dr. The property is on the right-hand side. The existing dwelling on the property has the address of 378 Foothill Dr, Ontario OR 97914.
6. **ZONING:** Rural Residential (C-RR).
7. **PARCEL SIZE:** The parcel is 6.59 acres.
8. **PARCEL USE:** Parcel is currently idle. There is a single-family dwelling on the parcel.
9. **SURROUNDING USE:** Residential properties. To the east and south, there is a property that is being farmed.
10. **ACCESS:** Foothill Dr. (Exhibit 3)
11. **SANITATION REQUIREMENTS:** All required Oregon Department of Environmental Quality permits including onsite wastewater, will be required.
12. **FIRE PROTECTION:** The parcel is located within the Ontario Rural Fire Protection District (Exhibit 2).
13. **NATURAL HAZARDS:** No natural hazards have been identified.

14. WATER RIGHTS: The parcel has no water rights.

15. SOIL TYPE: The soils on the property are predominately class III and VIII.

16. ZONING HISTORY: The existing dwelling was built in 1968. In 2004, there was a property line adjustment done with the adjoining tax lot 600 (Malheur Co. Ref.#6999) and another one in 2007 with tax lot 1100 (Malheur Co. Ref.#19748). Subsequently in 2007, there was a partition plat filed as well, that segregated tax lot 401 (Malheur Co. Ref.#20137) and 402 (Malheur Co. Ref.#20138), bringing the subject parcel to its current size of 6.59 ac.

GENERAL CONDITIONAL USE CRITERIA

MCC 6-6-7 - GENERAL CRITERIA TO EVALUATE SUITABILITY: In considering the suitability of proposed conditional uses, the Planning Commission shall base its decision upon the following criteria:

A. Comprehensive Plan goals and policies, as applicable.

B. Specific plan recommendations

Proposed Finding: MCC 6-3C-3(E) regulates the conditional use process for a private school in a rural residential zone and MCC 6-6-7 regulates the general criteria to evaluate suitability for conditional use process.

C. Existing development and viewpoints of property owners in the surrounding area.

Proposed Finding: Letter notice was sent to adjoining landowners on July 1, 2022 and published in the Argus Observer on July 1, 2022. No opposing comments were received.

D. Availability of services and utilities.

Proposed Finding:

ROADS: The plan is to direct traffic to this facility off Foothill Dr. The Ontario Rural Road District does not anticipate any adverse traffic or maintenance impact to the district (Exhibit 3).

FIRE & POLICE PROTECTION: The building will be located within the Ontario Rural Fire Protection District. All driveways and facilities will comply with current fire and safety regulations (Exhibit 2) and as provided by the State Fire marshal.

SEWER & WATER: The facility will be required to have a DEQ permitted onsite wastewater treatment system. The proposal will meet the definition of a

non-transient non-community public water system and be subject to regulation by the Oregon Health Authority – Drinking Water Services. Plans for the water system must be submitted for review prior to construction per OAR 333-061-0060 to ensure the facilities will meet current construction standards.

ELECTRICAL & TELEPHONE: The facility will need an additional power pole installed and will naturally increase the power used on the line.

SOLID WASTE DISPOSAL: The facility will contract with Ontario Sanitary Services.

- E. The effect of the proposed use on the stability of the community’s social and economic characteristics.

Proposed Finding: The current plan is to be a contributing member to the community’s economics by operating the school in Ontario.

- F. It does not interfere with traditional fish and wildlife use of habitats determined critical or sensitive in the Fish and Wildlife Habitat Protection Plan for Malheur County.

Proposed Finding: The proposed school is not located in an area that contains fish or wildlife deemed critical or sensitive, and will not interfere with traditional fish and wildlife.

- G. General Criteria

1. Increasing setbacks of structures to reduce possibilities of overshadowing adjoining property, noise, odor or night lighting nuisances.

Proposed Finding: The proposed buildings are within a residential area. The closest single-family dwelling is about 425 feet away and there is expected overshadowing. There is no expected significant addition to noise, odor or lighting nuisances.

2. Landscaping improvements for the visual benefits of the subject site and for the improved appearance of the neighborhood and County.

Proposed Finding: The design of the facility includes an attractive front facing Foothill Drive. There will be normal landscaping improvements (lawn, shrubs and trees). The overall appearance will enhance the area and the County.

3. Location and size of driveway access points and right-of-way widening and improvement for present and future traffic circulation and safety.

Proposed Finding: The access point will be off Foothill Dr. As per Ontario Rural District, a minimum, but not limited to 10-inch dual wall Hancor-style culvert for acc access points. All road width codes will be met to comply with fire code regulations (Exhibit 2).

4. Visual screening of outdoor waste and storage areas.

Proposed Finding: The proposed development is for a private school. Outdoor storage will be limited.

5. Control and focusing of outdoor lighting to avoid glare being directed beyond property limits.

Proposed Finding: Any lighting will be on and around the school building. There will be no interference with the adjoining properties.

6. Special criteria listed below, as applicable:

H. Allowance of Certain Uses: A use allowed under Section 6-3A-3 of this Title shall be approved only where it is found that the use will not:

1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
2. Significantly increase cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. (Ord. 86, 12-7-1993)

Proposed Finding: The property is zoned rural residential. There will be no loss of farm ground.

OTHER PROPOSED FINDINGS OF FACT

The applicant has submitted additional proposed findings of fact in the conditional use application.

PROPOSED CONDITIONS OF APPROVAL

1. PREREQUISITE:

- a. All applicable federal, state, and local permits must be obtained.
- b. All prerequisite conditions must be met prior to the issuance of a zoning permit and the start of construction.

2. PERFORMANCE STANDARDS:

- a. Adequate firebreaks shall be constructed and maintained to minimize danger from potential wildfire and the access road shall be brought up to the International Fire Code standards.
- b. The driveway must be constructed to meet the International Fire Code standards (Exhibit 2). A culvert will be required to be installed in the approach (Exhibit 3).
- c. New structures must meet International/Oregon Fire Code requirements for structure design, considering the minimum fire-flow requirements for structure size and construction.
- d. A public water system will be constructed as required by the Oregon Health Authority – Drinking Water Services. Plans for the water system must be submitted for review prior to construction per OAR 333-061-0060 to ensure the facilities will meet current construction standards.
- e. Authorization of this conditional use shall be void after two (2) years unless substantial construction has taken place.

EXHIBITS

1. Application
2. Letter from Ontario Rural Fire Department
3. Letter from Ontario Rural Road Assessment District #3
4. Letter from Oregon Health Authority – Drinking Water Services