

City of Union, Oregon



PO Box 529
342 S. Main Street
Union, OR 97883

Home to the Buffalo Peak Golf Course

Phone: 541-562-5197
Fax: 541-562-5196
www.cityofunion.com

CITY OF UNION OREGON PLANNING COMMISSION AGENDA

September 20, 2023 at 7:00pm

Leonard Almquist Chambers located at 342 S. Main Union, OR 97883

1. Call to Order and Roll Call

Commissioners:

L. Jones, J. Jones, Burton, Diller, Baird, Hall, Williams

2. Minutes

- a. June – Revised Planning Minutes
- b. July – Planning Minutes

3. Old Business

4. New Business

- a. CUP 23-05 Wendell Dueck
- b. CUP 23-06 Brandon Inslee
- c. MNP 23-02 Johnny C. & Deborah L. Kennon

5. Public Comment (All speakers are entitled to 3 Minutes)

6. Upcoming:

- a. PLA 23-02 Mike & Janet Crow
- b. CUP 23-07 Fred & Susan Hawkins

7. Adjourn

If you have a disability that requires any special materials, services, or assistance, please contact City Hall at least 48 hours prior to the meeting at 541-562-5197 so appropriate accommodations can be made.

CITY OF UNION OREGON PLANNING COMMISSION MINUTES
Wednesday, June 14, 2023, at 7:00 p.m.
Leonard Almquist Chambers located at 342 S. Main Union, OR 97883

This meeting was called to order at 7:02 p.m.

Roll Call: Commissioner Lani Jones absent, Commissioner Jocelyn Jones, Commissioner Robert Burton, Commissioner Edwin Baird arrived at 7:09 p.m., Commissioner Dan Hall, Commissioner Samn Diller, Commissioner Jeff Williams, and City Administrator Doug Wiggins.

Commissioner Burton motioned to accept May's minutes with correction. Commissioner Diller second. The motion passed unanimously.

The first item under new business tonight was a hearing for variance 23-02.

The public hearing opened at 7:03 p.m.

Commissioners had no ex parte contact or conflict of interest.

On the staff report, CA Wiggins said they want to add a third residence to a single tax lot. It is zoned R-1. This requires a variance on the lot to allow another single home when there are already two homes. There is a drawing of the property for you to look at. The property is 8.2 acres. Staff findings are that the property can accommodate another home and water and sewer can accommodate as well. Current legislation from Salem is favorable towards this. There is a fire hydrant near to the property.

CA Wiggins said I did receive an email from ODOT that they would not allow another driveway going to the highway. There is another drawing for you to look at it. Commissioners and staff review the drawing and clarify where the buildings are and where a new one would go. Staff recommendations are a new home can be placed as long as it is up to code, and setbacks are strictly adhered to.

On applicant testimony, Martin Patterson said my father wants me to move back home.

On neutral testimony, Ralph Grafunder said we share a property line. Are there limits on homes on a single property? We also got a variance but it came with more strict restrictions. Is that similar to this?

CA Wiggins said there is a conditional use permit or a variance. Mr. Patterson said he only wants to put a home there and live there, which is a little different from taking care of aging parents.

Ralph said we asked for options and didn't get them so is this available to us? CA Wiggins discussed current legislation and that he could come back and get something more permanent.

Ralph said I just wanted to find more information. Staff and Commissioners discussed how legislation has changed and explained the differences in permits and variance.

Martin Patterson said I didn't realize there was a difference. I didn't know if it would be permanent or temporary. Staff, Mr. Patterson, and staff clarified the situation and answered questions.

The public hearing closed at 7:21 p.m.

Commissioners discussed that code doesn't directly say you can have three homes, but it also doesn't say you can't. They also discussed tiny home legislation that is coming. Staff and Commissioners discussed making sure there is plenty of space between buildings and that perhaps this lot should be partitioned.

They also discussed ODOT denying another driveway access. They do not want another approach. They also discussed how things change and people die.

After Commissioner deliberation, Commissioner Diller motioned to approve with staff recommendations. Commissioner Hall second. The motion passed with two no votes from Commissioners Baird and Williams.

The next item under new business was a Zone Change 23-01.

On the staff report, CA Wiggins said they want to change it from R1 to C2. There was a conditional use permit on this property to support the Cats Paw. The owner wishes to use the lot for light manufacturing. It is the opinion of the staff that community opinion has changed, and staff has not heard any testimony on this. It is important to realize you open it up to all sorts of businesses under C2 zoning.

If the zone does change, a traffic study will have to be done by ODOT. If it increases traffic, there are more special permits she would have to get.

Commissioner Jocelyn Jones and staff discussed if this could be done a different way. Commissioner Williams and CA Wiggins discussed other similar businesses in town. They also discussed the possibility of a partition.

Staff, Commissioners, and Michelle Stevenson discussed the zoning of the lot now. They also discussed applying for agricultural zoning on the lot. Then they discussed if the house belonged to someone else and what having a house in a commercial zone would be like. Another option is to partition the lot and get a conditional use permit.

Michelle Steevens said I have been operating at the Bronson lumber building, but it wasn't the right building. This house and property are perfect. Everything I do is nontoxic, there are smells but we make sure to take care of those.

On testimony in opposition, Micaiah Mullens W. Brian said I have no problem with her business or her personally. We moved to Union because of the property we bought. We really don't want it zoned commercial. We found 9 commercial buildings for sale or lease in other areas of town. I spoke to my realtor about this because I don't want my property to lose value.

George Jones Brian Street said I am concerned about this impact on our environment, and I don't want a commercial zone that close to my home.

On neutral testimony, Dick Middleton 10th Street said I am not for or against this thing. I think you should look at the impact this is going to do. I don't know the process. I think you should get more information on the impact on the environment.

Michelle Steevens said I use citric acid in tanning. I use mineral tanning. I get rid of my salt properly. I use a non-toxic process. Mr. Mullens said our house comes up as a taxidermy. I don't know how you do that.

Commissioners and staff discussed taxidermy

Roger Huffman said I border the property in question. He asked for clarification. This is a prehearing on zoning. He agrees with partitioning the property.

Commissioners discussed having a buffer between the residential and commercial. Staff and Commissioners discussed the difference between taxidermy and a tannery. They discussed the history of tannery and why they weren't allowing tanneries at one point. Commissioners and staff discussed getting a lot more information and what the options are tonight.

Commissioner Baird said we recommend a partition to maintain a residential zone and to buffer it and make a commercial zone.

Commissioner Burton and CA Wiggins discussed if it would be the only C2 zone in the area.

There wasn't any further public comment.

CA Wiggins said the upcoming meeting will be a conditional use permit hearing for True Construction looking to build a home to run an AirBnB.

This meeting adjourned at 8:14 p.m.

Approved: _____

Chairwoman, Lani Jones

Attest: _____

City Administrator/Recorder, Doug Wiggins

CITY OF UNION OREGON PLANNING COMMISSION MINUTES
Wednesday, July 19, 2023, at 7:00 p.m.
Leonard Almquist Chambers located at 342 S. Main Union, OR 97883

This meeting was called to order at 7:00 p.m.

Roll Call: Commissioner Lani Jones, Commissioner Jocelyn Jones absent, Commissioner Robert Burton, Commissioner Edwin Baird absent, Commissioner Dan Hall, Commissioner Samn Diller, Commissioner Jeff Williams, and City Administrator Doug Wiggins.

The first item on tonight's agenda is the minutes from June's meeting. A correction is needed on roll call. The correction will be done. Commissioner Burton motioned to approve the minutes with the correction. Commissioner Williams second. The motion passed unanimously.

There wasn't any old business. CA Wiggins said I will give you a quick brief on the Steevens hearing. We consulted the city attorney, and she recommended a Conditional Use Permit rather than a zone change. She felt that would be more appropriate.

Under new business there is a public hearing for Conditional Use Permit 23-03 for True Construction. The public hearing opened at 7:03 p.m. There wasn't any conflict of interest or ex parte contact.

On the staff report, CA Wiggins said John Wagner file for the permit. All notices were mailed to the surrounding property owners. The applicant is requesting to run a business from a new home build. The current zoning for the property is R-1. The size of the new building is unclear but would meet the standards for the City of Union. The property is located just west of the golf course on Heritage Way. The owner wants to rent the property out for less than 30-day stays. It will be like a duplex when complete.

CA Wiggins read the ordinances concerning this permit. He said he has not received any feedback on this request. The staff recommends if you approve this permit that it will be reviewed by complaint only, the permit will not transfer with the sale of the property, all ordinances must be obeyed, parking off street must be maintained, and the applicant will not allow stays that exceed 30 days.

On applicant testimony, John Wagner said I know there are some questions. We are not into selling stuff. I am incorporating fail safes in this building so that we

can maintain the area and keep it nice. I have been making sure that everything I am doing is okay with the homeowner's association as well. I am working on details about allowing you to stay and play with the golf course.

CA Wiggins said let me clarify it is not an HOA, it is a CCR (Covenant Restrictions). So, their developer and architect review everything before it is allowed to happen in that area. The City of Union does not enforce the CCR. The city is only concerned with meeting the city ordinances.

Commissioner Lani Jones asked Mr. Wagner about the duplex and how it could be turned back into a single-family home. Mr. Williams asked about the CCR rules and if Mr. Wagner asked the residents around this site. CA Wiggins and Mr. Wagner discussed these details. Commissioner Sam Diller asked about the CCR. CA Wiggins answered. They also discussed 4 other homes being built over there.

Commissioner Hall asked Mr. Wagner questions and they discussed the plans he is working on.

Next, under testimony in favor, Ronetta Prince said I feel like this will impact my home the most since I will be living there. I do think this will be great for the city and the golf course. These people do an excellent job taking care of their properties.

Lee Ricker 925 S. Main in Union said I had a few questions, but he answered those, and I am in favor of it.

There wasn't any further testimony.

The public hearing closed at 7:21 p.m.

After Commissioner deliberation, Commissioner Diller motioned to approve the conditional use permit with staff recommendations and maintaining four off street parking spots. Commissioner Burton second. The motion passed unanimously.

The next hearing is for Conditional Use Permit 23-04 for Michelle Steevens. The public hearing opened at 7:28 p.m. There was no conflict of interest or ex parte contact.

CA Wiggins said the staff report is the same as the last one other than it is for a conditional use permit and not a zone change. I had discussions with our city attorney, and she recommended a hearing for a conditional use permit. If this is approved, she would be required to only advertise the business on the state

highway and not the residential streets, she has to comply with state highway standards for advertising, the business must be contained to the address, and dispose of used products properly, this permit will only be reviewed on a complaint basis, and could be revoked if violations occur. This permit will not transfer and is only for this owner and this business and will not expire.

On applicant testimony Michelle Steevens said nothing has changed. She asked about adding extra storage. Staff, Commissioners, and the applicant clarify the location of the property, adding storage to the proposed plan, and keeping a proper distance from the creek. They also discussed one past complaint.

Under testimony in favor, Micaiah Mullens W. Bryan said I just have one question from the last meeting I thought a tannery had to be in a commercial zone. CA Wiggins answered we asked the city attorney and that was answered. I am in favor of it, and I have no problem with it. I think it will be great.

On neutral testimony, someone said as long as all the conditions are met, I have no problem with it.

The public hearing closed at 7:40 p.m.

After Commissioner deliberation, Commissioner Hall made a motion to approve the permit with staff recommendations and maintaining a distance from the creek. Commissioner Diller seconded the motion. The motion passed unanimously.

CA Wiggins said there is no meeting next month.

There wasn't any further public comment.

The meeting adjourned at 7:47 p.m.

Approved: _____

Chairwoman, Lani Jones

Attest: _____

Interim City Administrator/Recorder, Roberta Vanderwall

**REPORT TO CITY OF UNION
PLANNING COMMISSION**

TO: City of Union Planning Commission

FROM: Roberta Vanderwall, Interim City Administrator/Recorder/Planner

RE: Wendell Dueck
915 N. Dewey Street
Union, OR

- Application for Conditional Use Permit
Application #CUP- 23-05

PROPERTY: County Assessor's Map #: 04S4018CA, Tax Lot: 3201
915 N. Dewey Street, Union, Oregon 97883

BACKGROUND

Application was filed by Wendell Dueck on July 27, 2023, for the referenced conditional use permit (CUP) and was determined to be complete. All property owners lying within 300 feet of the property described herein were mailed notices August 31st, 2023, of the application, process, and notifying the hearing date (**September 20th, 2023, at 7:00 PM**).

PROPOSAL DESCRIPTION

The applicant is requesting a CUP to be allowed to temporarily live in a Countryside Shed (Shed) modified as a temporary dwelling while building their new residence. The current property is zoned Residential (R1).

SITE AND VICINITY DESCRIPTION

The property is located at the corner of Fir and N. Dewey Street. The site surrounding the parcel are residential lots. This property will be zoned Residential (R1).
(See attached maps)

APPLICATION REQUEST

The applicant is requesting Conditional Use Approval to be allowed to live in a Countryside Shed (Shed) modified as a temporary dwelling while residence is being constructed. The CUP application, if approved, will be approved for one year.

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on September 20, 2023

LAND USE PLAN

The subject property is in Residential (R1) zoned ground. Residential setbacks will still apply to all accessory buildings, if any, are to be erected for the residence.

APPLICABLE CRITERIA AND STANDARDS

The Residential R-1 zone classification is implemented by City of Union Ordinance Title XV, Chapter 155.041 - Uses Permitted in a Residential Zone and Chapter 155.085 Authorization to Grant or Deny Conditional Uses

Ordinance No. 337:

Section 3.510 - 3.516 (Residential R1)

Section 5.010 – 5.050 (Conditional Uses)

Under section 3.512 a conditional use permit is allowed in a residential zone with criteria established.

§ 155.140 NOTICES AND APPLICATION PROCEDURES.

The City Administrator or his or her designee shall give notice of a public hearing on a conditional use, variance, or quasi-judicial change to the zoning map, or any other public hearing required by this chapter to all property owners within the applicable radius for notices as specified in § 155.141, and to such other parties as are deemed affected by the proposed change. Notice shall be by first-class mail or personal service with proof of delivery. Notice shall be mailed or delivered not more than 40 days prior to the date set for the first public hearing on the application, or not less than ten days for applications requiring more than one evidentiary hearing. Names and addresses of property owners shall be those shown in the records of the Union County Assessor.

(Ord. 491, passed 6-13-2005; Ord. 509, passed 2-11-2008)

§ 155.141 RADIUS FOR NOTICES.

The radius for notices shall be within 300 feet of the exterior boundaries of the subject property, if the subject property is in the city limits but not in a farm or forest zone; or within 500 feet of the exterior boundaries of the subject property, if the subject property is in a Farm or Forest Zone.

(O.R.S. 197.763(2)(a); Ord. 491, passed 6-13-2005)

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on September 20, 2023

§ 155.142 CONTENT OF NOTICES.

Notices to property owners shall:

- (A) Explain the nature of the application and the proposed use or uses which could be authorized (O.R.S. 197.763(3)(a)).
- (B) List the applicable criteria from the Zoning Ordinance and land use plan that apply to the application (O.R.S. 197.763(3)(b)).
- (C) Set forth the street address or other easily understood geographical reference to the subject property (O.R.S. 197.763(3)(c)).
- (D) State the date, time, and location of the hearing (O.R.S. 197.763(3)(d)).
- (E) State that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue (O.R.S. 197.763(3)(e));
- (F) Include the name of the local government representative to contact and the telephone number where additional information may be obtained (O.R.S. 197.763(3)(g)).
- (G) State that a copy of the application, all documents and evidence relied upon by the applicant, and the applicable criteria are available for inspection at no cost and will be provided at reasonable cost (O.R.S. 197.763(3)(h)).
- (H) If any staff report is to be used at the hearing, state that a copy of the staff report will be available at no cost at least seven days prior to the hearing and will be provided at reasonable cost (O.R.S. 197.763(3)(i)); and
- (I) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings (O.R.S. 197.763(3)(j)).

(Ord. 491, passed 6-13-2005)

The following criteria must be applied for the CUP by the commission when deciding whether to allow the applicant to have a temporary recreational vehicle residence on the Residential (R-1) zoned property:

§ 155.085 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USE.

A conditional use listed in this chapter shall be permitted, altered, or denied in accordance with the standards and procedures of this section. In the case of a use existing prior to the effective date of this chapter and classified in this chapter as a conditional use, a change in the use or in the lot area, or an alteration of structure shall conform with the requirements

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on September 20, 2023

for conditional use. In judging whether a conditional use proposal shall be approved or denied the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the development at the location proposed and, in order to approve such use, shall find that the following criteria are met, can be met by observance of conditions, or are not applicable:

1. The proposal will be consistent with the comprehensive plan and the objectives of this chapter and other applicable policies of the city.
2. The location, size, design, and operating characteristics under the proposal will have minimal adverse impact on the livability, value, or appropriate development of abutting properties and the surrounding area.
3. The location and design of the site and structures of the proposal will be as attractive as the nature of the use and its setting warrant.
4. The proposal will preserve environmental assets of particular interest to the community; and
5. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

PROPOSED FINDINGS OF FACT

The staff review of the proposal has identified the following findings of fact and conclusions:

Additional information may be presented to the Planning Commission at its public hearing on this matter and may lead to different findings or conclusions. If so, appropriate changes in the proposed findings should be incorporated into the findings adopted to support the Planning Commission's Final Decision.

- The applicant, Wendell Dueck, applied for a CUP in order to live in a Countryside Shed modified as a temporary dwelling at 915 N. Dewey Street, Union, OR. 97883, while his residence is being built. Application has been reviewed, accepted, and referred to the Planning Commission.
- The application shows the site where the Countryside Shed will be placed, showing the location and placement of the Countryside Shed on the property.
- Setbacks from other buildings and property lines shall adhere to City of Union codes and building rules. Setbacks have been met for the placement of the Countryside Shed modified as a temporary dwelling.

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on September 20, 2023

- As of the writing of this staff report, no comments have come forward on the proposal.
1. Any person desiring to live in a recreational vehicle (RV) in a Residential (R1) zone must apply for a conditional use permit through the planning commission.
 - a. Wendell Dueck has applied for a Conditional Use Permit in order to be allowed to live in a Countryside Shed (SHED) modified dwelling while a home is being built on his property in a residential zone as required by Ordinance 337. Said application has been reviewed, accepted, and now referred to the Planning Commission.
 - b. The application contains a google earth map showing the landscape of the parcel.
 2. Off-street parking is limited on the property.
 3. I have received no feedback from any notices that have been sent to surrounding property owners.

CONCLUSION

Note: The proposed conclusion and recommendation were prepared prior to the Planning Commission's public hearing. Testimony presented at the hearing may affect the Planning Commission's determination of the facts and conclusion, and if so, this new information will be reflected in the adopted findings for this matter.

Conclusion: The applicant, Wendell Dueck, has met the requirements for applying for a conditional use permit to be allowed to live in a Countryside Shed modified as a temporary dwelling until his residence is built, no longer than one year, located in a Residential zone at the corner of Fir Street and N. Dewey Street in Union.

STAFF RECOMMENDATION

Note: The proposed recommendations were prepared prior to the Planning Commission's public hearing. Testimony presented at the hearing may affect the Planning Commission's determination of the facts and conclusion, and if so, this new information will be reflected in the adopted findings for this matter.

Provided that no relevant testimony regarding the application is provided to the Planning Commission meeting, staff recommends the Planning Commission approve the CUP and the following conditions should be applied:

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on September 20, 2023

1. The conditional use permit shall expire in one (1) year from date of approval; however, may be extended by review of the Planning Commission.
2. The applicant will work with the City of Union to abide by noise ordinances and maintain a good neighborly standing.
3. The Shed shall be connected to City Water and Sewer services shall be billed for the ERU and pay appropriately for a monthly service.
4. All electrical hookups shall meet standards set forth with the most current electrical code.
5. Off-street parking must be maintained on the property.
6. All electrical hookups shall meet standards set forth with the most current electrical code.
7. The Shed must maintain street and side yard setbacks.
8. No propane bottle shall exceed a size of greater than 50 gallons given the temporary use.

915 N Dewey Street
CUP

915 N Dewey St



Legend
Singletree Farm

Google Earth

100 ft



915 N Dewey Street
CUP

Legend
Singletree Farm



915 N Dewey Street
CUP

Legend
Singletree Farm

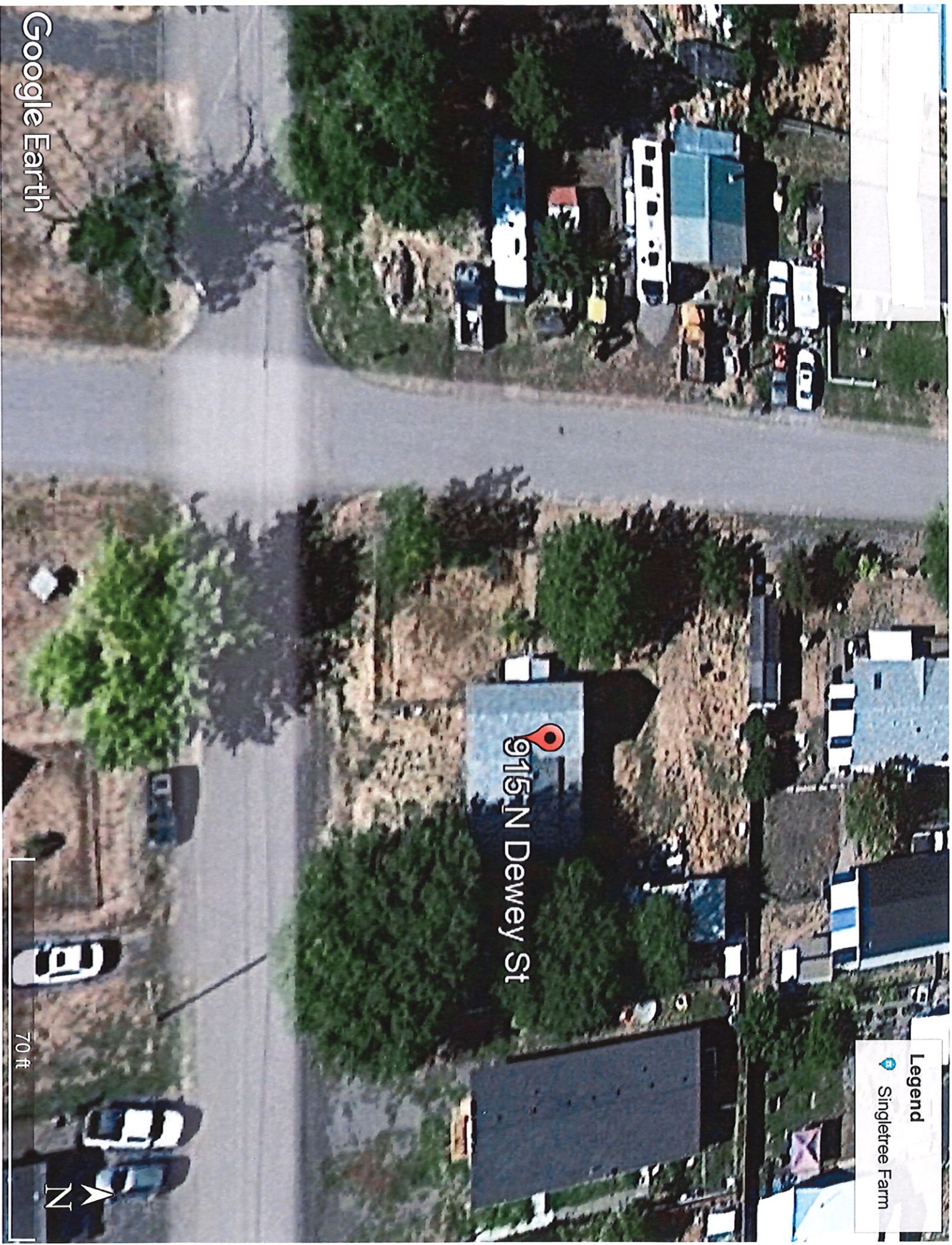


Google Earth

© 2023 Google

10 ft





Legend

 Singletree Farm

915 N Dewey St

Google Earth

70 ft

N

City of Union, Oregon



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342 S. Main Street
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Home to the Buffalo Peak Golf Course

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CITY OF UNION PLANNING APPLICATION

Application #: 23-05
Received By: Krista

Date Submitted: 7-27-23
Date of Notification: 8-31-23
Date of 1st Hearing: 9-20-23
Date Completed: _____

APPLICATION TYPE (Check one):

☒	Conditional Use Permit	☐	Minor Partition	☐	Street/Alley Vacate	☐	Zone Text Amendment
☐	Flood Zone Permit	☐	Plan Amendment	☐	Variance	☐	Site Plan Review
☐	Historic Design Review	☐	Property Line Adjustment	☐	Zone Change	☐	Major Partition

Other: _____

Fee Amount: \$ 350.00

Applicant: Wendell Duack

Address: 915 N. Dewey St.

City: Union State: OR. Zip: 97883 Phone: 541-910-3850

Property Owner (if Different): _____

Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

DEVELOPMENT REQUEST

Proposed Land Use {be specific}: Temporary Dwelling

PROPERTY INFORMATION

- Physical Site Address: 915 N. Dewey St. Union, OR 97883
- Map: 0454018 CA Tax Lot: 3201 Lot Size: _____
- Has property been surveyed? ☐ Yes ☐ No Inside urban growth boundary? ☒ Yes ☐ No
- Current zone classification? R1 Existing Structures: sheds
- Existing Easements: _____
- Overlay Zones: Flood Zone? ☐ Yes ☐ No Historic District? ☐ Yes ☒ No
- Major Topographical features (stream, ditch, slope, etc.): _____

STATEMENT OF UNDERSTANDING

I understand that I have the burden to prove my request meets all applicable ordinance requirements and that I must address all criteria that may apply. The criteria for approving or denying my request has been furnished to me as part of this application. I understand supplemental materials and information may be required by City of Union staff to complete the application.

I certify the above information to be true and correct and that I am the property owner, or authorized representative for the property owner. I understand that my application may be denied or delayed if incomplete or found to be falsified.

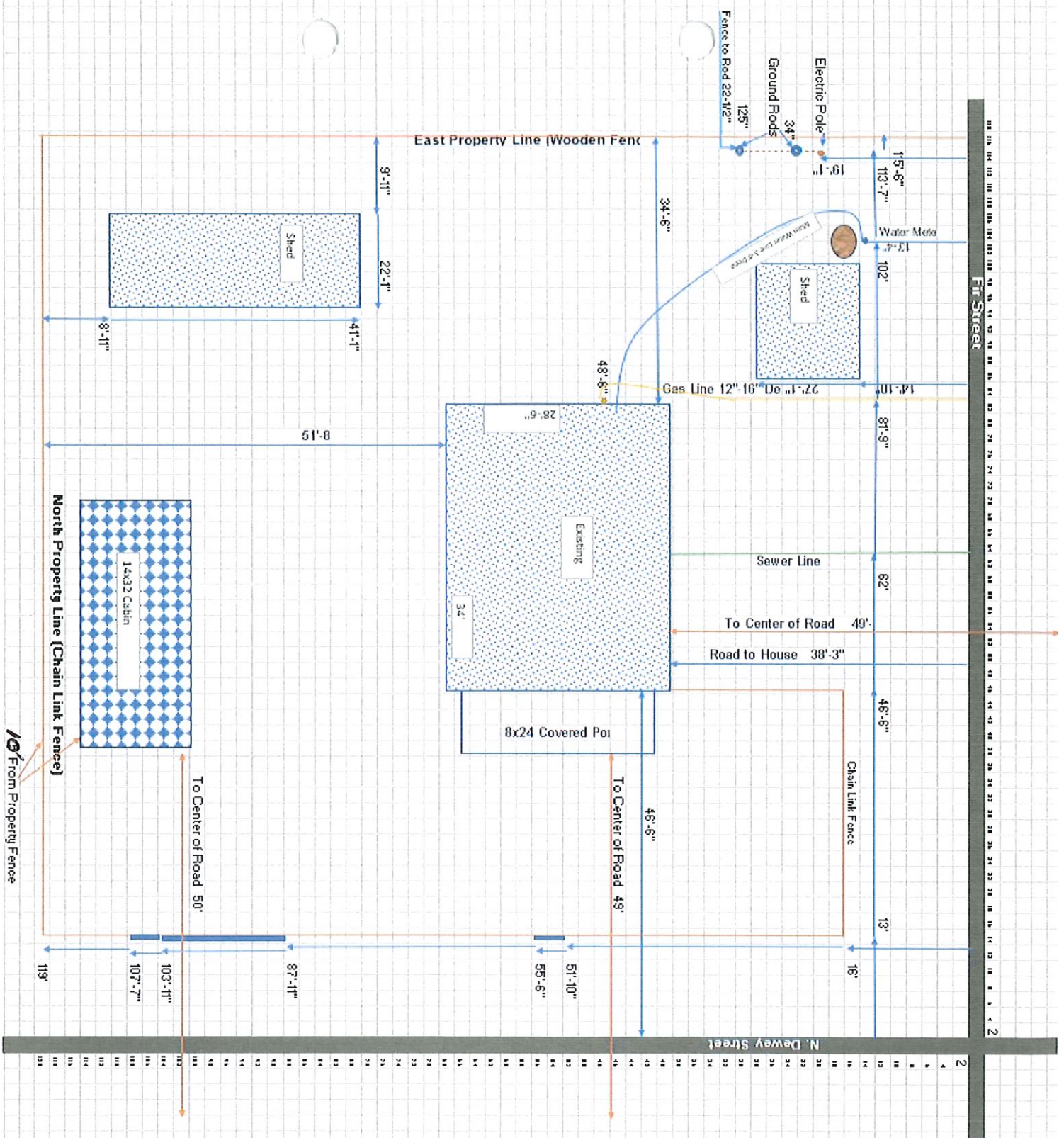
APPLICANT SIGNATURE: Wendell Duack

DATE: 7-24-23

To whom it may concern,

As the owner of 915 N Dewey St. Union, Oregon, I am writing this to inform you of our project. We plan to build a new house on this property. We are anticipating this project to be completed in 1 year. As the builder, I would like to live on-site while we build. We are proposing to move in a Countryside Shed modified to live in as a temporary dwelling. This would be a portable building. After our house is complete, it is our plan to sell this portable cabin and move it away.

-Wendell Dueck





TRUSTEE CORPS

Experience. Trust. Integrity.

17100 Gillette Ave. Irvine, CA 92614
Office: 949.252.8300 Fax: 949.252.8330

ATTENTION

DO NOT ALTER, CHANGE, OR MODIFY THE ATTACHED TRUSTEE'S DEED. FALSIFYING DOCUMENT(S) PRESENTED FOR RECORDING IS A SERIOUS OFFENSE, WHICH MAY BE SUBJECT TO LEGAL PENALTIES. TRUSTEE CORPS RESERVES THE RIGHT TO REPORT THE RECORDATION OF FRAUDULENT TRUSTEE'S DEED UPON SALE WITH THE APPROPRIATE GOVERNMENT AND ENFORCEMENT AUTHORITIES.

February 27, 2023

Wendell Dueck
62727 Lower Cove Rd.
Cove, OR 97824

Trustee Sale No: OR08000027-22-1
Title Order No: 22-35832
Property: 915 N DEWEY ST, UNION, OR 97883
County: Union

To whom it may concern:

The above referenced property was sold to **Wendell & Angela Dueck** for the amount of **\$65,000.00**.

Enclosed is the Trustee's Deed Upon Sale which is being forward to you as of this date, February 27, 2023 for recording.

Sincerely,

Alan Burton
949-252-8300

RECORDING REQUESTED BY:

WHEN RECORDED MAIL DEED
AND TAX STATEMENT TO:

Wendell & Angela Dueck
62727 Lower Cove Rd.
Cove, OR 97824

TS No OR08000027-22-1

APN 8035

Title Order No 22-35832

TRUSTEE'S DEED

Consideration Amount \$65,000.00

THIS INDENTURE, made **February 23, 2023**, between **Nathan F. Smith, Esq.** as Trustee Corps, hereinafter called the first party and **Wendell & Angela Dueck**, hereinafter called the second party;

Pursuant to said Notice of Sale, the undersigned Trustee on **February 23, 2023 at 01:00 PM** of said day, in accord with the Standard of Time established by ORS 187.110 which was the day and hour set in the Notice of Sale and at the place so fixed for sale, as aforesaid in full accordance with the laws of the State of Oregon and pursuant to the powers conferred upon said Trust Deed, sold said real property in one parcel at public auction to the said second party for the sum of **\$65,000.00** said second party being the highest and best bidder at such sale and said sum being the highest and best sum bid for said property.

WITNESSETH:

RECITALS: Trust Deed dated October 17, 2008, made to KAREN F GORDON, UNMARRIED as Grantor, executed and delivered to U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION as Trustee, for the benefit of U.S. BANK, NATIONAL ASSOCIATION as Beneficiary and recorded on November 10, 2008 as Instrument No. 20084971 of official records in the Office of the Recorder of Union County, Oregon.

In said Trust Deed the real property therein and hereinafter described was conveyed by said Grantor to said Trustee to secure, among other things, the performance of certain obligations of the Grantor to the said Beneficiary. The said Grantor thereafter defaulted in Grantor's performance of the obligations secured by said Trust Deed as stated in the Notice of Default hereinafter mentioned and such default still existed at the time of the sale hereinafter described.

By reason of said default, the owner and holder of the obligations secured by said Trust Deed, being the Beneficiary therein named, or Beneficiary's successor in interest, declared all sums so secured immediately due and owing; a Notice of Default, containing an election to sell the said real property and to foreclose said Trust Deed by advertisement and sale to satisfy Grantor's said obligations was recorded on **September 2, 2022** as Instrument No. **20222882** in the Mortgage Records of Union County, to which reference now is made.

UNION COUNTY, OR

20230505

Pgs=4

Total: \$105.00 03/21/2023 11:02 AM



00017808202300005050040040

I Certify that this instrument was received and recorded in the records of said county.

LISA FEIK
Union County Clerk



by Margo Wieggen Deputy

After the recording of said Notice of Default, as aforesaid, the undersigned Trustee gave notice to the Grantor(s) and occupant(s) as required by and in accordance with ORS 86.756, by mailing said Danger Notice by both first class and certified mail with return receipt requested. The mailing of said notice is shown by an affidavit of mailing recorded prior to sale date. In addition, the undersigned Trustee gave notice of the time for and place of sale of said real property as fixed by the Trustee and as required by law; copies of the Trustee's Notice of Sale were served pursuant to ORCP 7 D(2) and 7 D(3) or mailed by both first class and certified mail with return receipt requested, to the last known address of the persons or their legal representatives, if any, named in ORS 86.764 (2) and (4), at least 120 days before the date the property was sold, and the Trustee's Notice of Sale was mailed by first class and certified mail with return receipt requested, to the last-known address of the guardian, conservator or administrator or executor of any person to whom such notice was required under ORS 86.764 (4) promptly after the Trustee received knowledge of the disability, insanity or death of any such person; the Notice of Sale was served upon occupants of the property described in the Trust Deed in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3) at least 120 days before the date the property was sold, pursuant to ORS 86.774. If the foreclosure proceedings were stayed and released from the stay, copies of an Amended Notice of Sale in the form and manner required by ORS 86.782(12) were mailed by registered or certified mail to the last known address of those persons listed in ORS 86.764 and ORS 86.774 and to the address provided by each person who was present at the time and place set for the sale which was stayed within 30 days after the release from the stay. Further, pursuant to ORS 86.774(2), the Trustee published a copy of said Notice of Sale in a newspaper of general circulation in each county in which the said real property is situated, once a week for four successive weeks; the last publication of said notice occurred more than twenty days prior to the date of such sale. In accordance with ORS 86.782(2), if the foreclosure sale was postponed for one or more periods that total not more than 180 days from the original sale date, a copy of each postponement notice giving the new sale date, time, and place was mailed at least fifteen-days before the new sale date in the manner required under ORS 86.764 to the grantor and to any person whom notice of the sale was given under ORS 86.771. Any and all notice of postponements were also made by public proclamation at the time and place set for sale. The mailing, service and/or publication of said Notice of Sale are shown by one or more affidavits or proofs of service duly recorded at least five-days prior to the date of sale in the official records of said county along with the affidavit of beneficiary's compliance with the foreclosure avoidance requirements under ORS 86.748. Said affidavits and proofs, together with said Notice of Default and Election to Sell, the Trustee's Notice of Sale, Danger Notice along with any Amended Notice thereto and any such Notice of Postponement of Sale, being now referred to and incorporated in and made a part of this Trustee's Deed as fully as if set out herein verbatim. The undersigned Trustee has no actual notice of any person, other the persons named in said affidavits and proofs as having or claiming a lien on or interest in said described real property, entitled to notice pursuant to ORS 86.764.

NOW THEREFORE, in consideration of said sum paid by the second party in cash, or by credit bid if the second party was the beneficiary of said Trust Deed, the receipt whereof is acknowledged, and by the authority vested in said trustee by the laws of the State of Oregon and by said Trustee Deed, the Trustee does hereby convey unto the second party all interest which the Grantor had or had the power to convey at the time of Grantor's execution of said Trust Deed, together with any interest the said Grantor or Grantor's successors in interest acquired after the execution of said Trust Deed in and to the following described real property, to-wit:

THE WEST HALF OF THE SOUTH HALF OF BLOCK 26 OF SWACKHAMER'S SECOND ADDITION TO NORTH UNION, IN THE TOWN OF UNION, UNION COUNTY, OREGON, ACCORDING TO THE RECORDED PLAT OF SAID ADDITION. SITUATED IN THE COUNTY OF UNION, STATE OF OREGON

TO HAVE AND TO HOLD the same unto the second party, second party's heirs, successors-in-interest and assigns forever.

In construing this instrument and whenever the context so requires, the singular includes the plural; the word "Grantor" includes any successor in interest to the Grantor as well as each and all other persons owing an obligation, the performance of which is secured by said Trust Deed, the word "Trustee" includes any successor Trustee, the word "Beneficiary" includes any successor in interest of the Beneficiary first named above, and the word "person" includes corporation and any other legal or commercial entity.

IN WITNESS WHEREOF, the undersigned Trustee has hereunto executed this document; if the undersigned is a corporation, it has caused its corporate name to be signed and its seal affixed hereto by an officer or another person duly authorized thereunto by order of its Board of Directors.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations, before signing or accepting this instrument. The person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses.

Dated: 3/16/23

By: Nathan F. Smith, Esq.
Successor Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

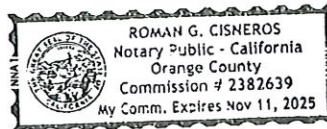
State of CALIFORNIA
County of ORANGE

On 3/16/23 before me, ROMAN G. CISNEROS, Notary Public, personally appeared NATHAN F. SMITH, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of CALIFORNIA that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Roman G. Cisneros
Notary Public Signature



CITY OF UNION, OREGON



City of Victorian Heritage

Wednesday, August 30, 2023

342 South Main St.
P.O. Box 529
Union, OR 97883

cityhall@cityofunion.com
<http://www.cityofunion.com>

Phone: (541) 562-5197
Fax: (541) 562-5196
TTY: (800) 735-1232

Home of Buffalo Peak Championship Golf Course

NOTICE OF PUBLIC LAND USE HEARING

Dear Land Owner:

Conditional Use Permit 23-05

Applicant: Wendell Dueck

Location: 915 N. Dewey Street, Union, OR 97883

Legal: 0454018CA, Tax Lot: 3201

Reason: Live in small cabin/CountrywideShed while home is built (1 Year) in a residential neighborhood.

The hearing to consider the application will be held on **Wednesday, September 20, 2023, at 7:00 P.M.** in the Leonard Almquist Council Chambers, Union City Hall, 342 S. Main Street, Union, Oregon.

Applicable criteria for the Planning Commission's decision are found within the following.:

City Ordinance Codified Code: Chapter 155 (Notices, Conditional Uses, Use Zones)

A copy of the application and provided supporting materials from the applicant are available for inspection at no cost during City Hall business hours. The staff report will be available for inspection at City Hall, at no cost one week prior to the hearing date. Copies of all materials will be available at cost. Hard copies of all materials will be available at cost.

Testimony for/against the proposed land use action may be presented orally at the hearing, or by written statement presented to City Hall by the hearing date. Testimony and evidence must be directed toward the criteria above or other criteria in the Zoning ordinance and/or Land Use Plan that you believe to be appropriate. Failure to raise an issue with enough specificity to afford the Planning Commission and the parties an opportunity to respond will preclude appeal of any resulting land use decision to the land Use Board of Appeals.

If you have any questions or need more information, please contact the City Administrator, Roberta Vanderwall, at City Hall 541-562-5197, or fax 541-562-5196 or email admin@cityofunion.com.

If you have a disability requiring any special materials, services, or assistance, please contact the City Office Manager at City Hall, 541-562-5197, at least 48 hours before the hearing.

Sincerely,

Roberta Vanderwall
Interim City Administrator

REPORT TO CITY OF UNION PLANNING COMMISSION

TO: City of Union Planning Commission

FROM: Roberta Vanderwall, Interim City Administrator/Recorder/Planner

RE: 950 Kennon Court, Union, OR

- Application for Conditional Use Permit
Application #CU- 23-06

PROPERTY: County Assessor's Map #: 04S4018CB, Tax Lot: 803
950 Kennon Court, Union, Oregon 97883

BACKGROUND

Application was filed by Brandon Inslee on August 16, 2023, for the referenced conditional use permit (CUP) and was determined to be complete. All property owners lying within 300 feet of the property described herein were mailed notices August 31st, 2023, of the application, process, and notifying the hearing date (**September 20th, 2023 at 7:00 PM**).

PROPOSAL DESCRIPTION

The applicant is requesting a CUP to allow to temporarily live in an RV while building their new residence. The current property is zoned Residential (R1). The lot size is approximately 18,742 square feet, 430 acres.

SITE AND VICINITY DESCRIPTION

See Attachment

The property is located at the corner of Kennon Court.. The site of the property surrounding the parcel is residential housing and bare land which will be zoned Residential (R1) as developed.

APPLICATION REQUEST

The applicant is requesting Conditional Use Approval to be allowed to live in a travel trailer while residence is being constructed. The CUP will be approved for one year.

LAND USE PLAN

The subject property is in Residential (R1) zoned ground. Light commercial use is allowed on the property if approved by the commission for a conditional use permit. Residential setbacks would still apply to all accessory buildings, if any, are to be erected for the business. Noise and nuisance ordinances would have to be taken into consideration.

APPLICABLE CRITERIA AND STANDARDS

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on June 19, 2019

Ordinance No. 337:

Section 3.510 - 3.516 (Residential R1)

Section 5.010 – 5.050 (Conditional Uses)

Under section 3.512 a conditional use is allowed for neighborhood light commercial.

Under Section 5.050 Home occupations are allowed as long as the residential appearance is maintained.

These additional sections from the City of Union Zoning Ordinance apply to and must be considered by the Planning Commission for this proposal:

Chapter 2 Section 7. Notices, *7.010. NOTICES*: The City Administrator or his or her designee shall give notice of a public hearing on a conditional use, variance, or quasi-judicial change to the Zoning Map to all property owners within the applicable “Radius for Notices” as specified in this Section, and to such other parties as are deemed affected by the proposed change. Notice shall be by first-class mail, or personal service with proof of delivery. Notice shall be mailed or delivered not less than 20 days prior to the date set for the Planning Commission’s hearing on the application (ORS 197.763(3) (f) (A)). Names and addresses of property owners shall be those shown in the records of the Union County Assessor (ORS 197.763(2) (a)).

Chapter 2 Section 7. Notices, *7.020. RADIUS FOR NOTICES*: The radius for notices shall be (a) within 300 feet of the exterior boundaries for the subject property, if the subject property is in the City limits, but not in a farm or forest zone, or (b) 500 feet of the exterior boundaries of the subject property, if the subject property is in a farm or forest zone (ORS 197.763(2) (a)).

The following criteria must be applied for the CUP by the commission when deciding whether to allow the applicant to have a secondary residence on the Residential (R-1) zoned property:

§ 155.085 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USE.

A conditional use listed in this chapter shall be permitted, altered, or denied in accordance with the standards and procedures of this section. In the case of a use existing prior to the effective date of this chapter and classified in this chapter as a conditional use, a change in the use or in the lot area, or an alteration of structure shall conform with the requirements for conditional use. In judging whether a conditional use proposal shall be approved or denied the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the development at the location proposed and, in order to approve such use, shall find that the following criteria are met, can be met by observance of conditions, or are not applicable:

- (A) The proposal will be consistent with the comprehensive plan and the objectives of this chapter and other applicable policies of the city.

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on June 19, 2019

- (B) The location, size, design, and operating characteristics under the proposal will have minimal adverse impact on the livability, value, or appropriate development of abutting properties and the surrounding area.
- (C) The location and design of the site and structures of the proposal will be as attractive as the nature of the use and its setting warrant.
- (D) The proposal will preserve environmental assets of particular interest to the community; and
- (E) The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

PROPOSED FINDINGS OF FACT

The staff review of the proposal has identified the following findings of fact and conclusions:

Additional information may be presented to the Planning Commission at its public hearing on this matter and may lead to different findings or conclusions. If so, appropriate changes in the proposed findings should be incorporated into the findings adopted to support the Planning Commission's final decision.

- The applicant, Brandon Inslee, applied to be allowed to live in his Recreational Vehicle (RV) located at 950 Kennon Court, Union, OR. 97883, while his residence is being built. Application has been reviewed, accepted, and referred to the Planning Commission.
- The application shows the location the RV will be placed, showing the location and placement of the RV on the property.
- 800 Square foot minimum of living space has been met.
- Setbacks from other buildings and property lines shall adhere to City of Union codes and building rules. Setbacks have been met for the placement of the RV.
- As of the writing of this staff report, no comments have come forward on the proposal.

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on June 19, 2019

STAFF RECOMMENDATION

Note: The proposed recommendations were prepared prior to the Planning Commission's public hearing. Testimony presented at the hearing may affect the Planning Commission's determination of the facts and conclusion, and if so, this new information will be reflected in the adopted findings for this matter.

Provided that no relevant testimony regarding the application is provided to the Planning Commission meeting, staff recommends that shall the Planning Commission approve the CUP the following conditions should be applied:

1. The conditional use permit shall expire in one (1) year from date of approval.
- 2.
3. The applicant will work with the City of Union to abide by noise ordinances and maintain a good neighborly standing.
4. City Water and Sewer services shall be billed for the REU.
5. All electrical hookups shall meet standards set forth with the most current electrical code.
6. Off-street parking must be maintained on the property.

PROPOSED FINDINGS OF FACT

The staff review of the proposal has identified the following findings of fact and conclusions:

Additional information may be presented to the Planning Commission at its public hearing on this matter and may lead to different findings or conclusions. If so, appropriate changes in the proposed findings should be incorporated into the findings adopted to support the Planning Commission's Final Decision.

1. Any person desiring to live in a recreational vehicle (RV) in a Residential (R1) zone must apply for a conditional use permit through the planning commission.
 - a. Brandon Inslee has applied for a Conditional Use Permit in order to be allowed to live in a Recreational Vehicle (RV) while a residence isd being built on his residential property in a residential zone as required by Ordinance 337. Said application has been reviewed, accepted, and now referred to the Planning Commission.
2. Off-street parking is limited on the property.
3. I have received no feedback from any notices that have been sent to surrounding property owners.
4. Parking would increase on city right of way for the area.

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on June 19, 2019

CONCLUSION

Note: The proposed conclusion and recommendation were prepared prior to the Planning Commission's public hearing. Testimony presented at the hearing may affect the Planning Commission's determination of the facts and conclusion, and if so, this new information will be reflected in the adopted findings for this matter.

Conclusion: The applicant, Brandon Inslee, has met the requirements for applying for a conditional use permit to be allowed to live in a Countryside Shed which is modified for a temporary dwelling in a Residential zone at 950 Kennon Court in Union.

STAFF RECOMMENDATION:

Provided that no relevant testimony regarding the application is provided to the Planning Commission meeting, staff is of the opinion to allow this conditional use permit

If the planning commission moves forward with the conditional use permit, the following recommendations are referred for consideration to help mitigate problems in the neighborhood:

1. The conditional use permit shall be reviewed by complaint only and may not transfer with sale of the property to a new owner;
2. Noise ordinances shall be followed in the neighborhood and should times need to be altered other than those enforced by ordinance, permits must be sought.
3. CUP will be for one (1) year from date of approval.



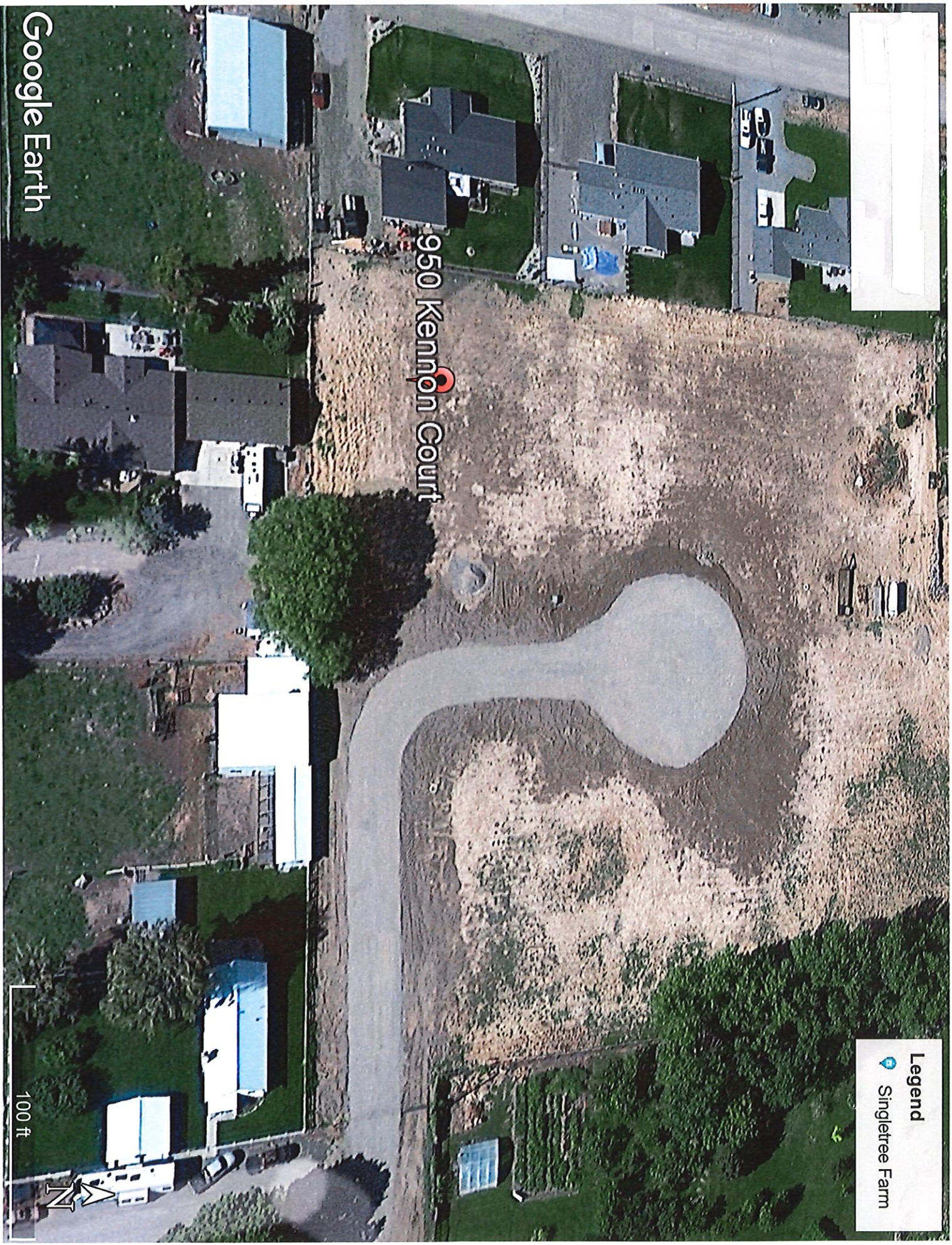
Legend

 Singletree Farm

950 Kennon Court

Google Earth

100 ft



Untitled Map

Write a description for your map.

Legend

 950 Kennon Court

 950 Kennon Court

Google Earth

Image Landsat / Copernicus

5.35 ft



City of Union, Oregon



PO Box 529
342 S. Main Street
Union, OR 97883

Home to the Buffalo Peak Golf Course

Phone: 541-562-5197
Fax: 541-562-5196
www.cityofunion.com

CITY OF UNION PLANNING APPLICATION

Application #: 23-06
Received By: Krista

Date Submitted: 8-16-23
Date of Notification: 8-31-23
Date of 1st Hearing: 9-20-23
Date Completed: _____

APPLICATION TYPE (Check one):

☒	Conditional Use Permit	☐	Minor Partition	☐	Street/Alley Vacate	☐	Zone Text Amendment
☐	Flood Zone Permit	☐	Plan Amendment	☐	Variance	☐	Site Plan Review
☐	Historic Design Review	☐	Property Line Adjustment	☐	Zone Change	☐	Major Partition

Other: _____

Fee Amount: \$ 350.00

Applicant: Branden Inslee

Address: 950 Kennon Ct.

City: Union State: OR Zip: 97883 Phone: 541-663-6509

Property Owner (if Different): Self

Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

DEVELOPMENT REQUEST

Proposed Land Use {be specific): temporarily live in RV on land until house is ready.

PROPERTY INFORMATION

- Physical Site Address: 950 Kennon Ct.
- Map: 0454018 CB Tax Lot: 0454018CB-803 Lot Size: .43 Acre
- Has property been surveyed? ☒ Yes ☐ No Inside urban growth boundary? ☒ Yes ☐ No
- Current zone classification? residential R1 Existing Structures: none
- Existing Easements: sewer
- Overlay Zones: Flood Zone? ☐ Yes ☒ No Historic District? ☐ Yes ☒ No
- Major Topographical features (stream, ditch, slope, etc.): flat

STATEMENT OF UNDERSTANDING

I understand that I have the burden to prove my request meets all applicable ordinance requirements and that I must address all criteria that may apply. The criteria for approving or denying my request has been furnished to me as part of this application. I understand supplemental materials and information may be required by City of Union staff to complete the application.

I certify the above information to be true and correct and that I am the property owner, or authorized representative for the property owner. I understand that my application may be denied or delayed if incomplete or found to be falsified.

APPLICANT SIGNATURE: [Signature]

DATE: 8/3/2023

Brandon Inslee
950 Kennon Ct.
Union, OR 97883
Brandon.inslee@gmail.com
541-805-8340
August 11, 2023

City of Union
518 N Main St.
Union, Oregon 97883

Re: Request to Temporarily Reside in RV on Our Property at 950 Kennon Court

Dear City of Union Planning Department,

I hope this letter finds you well. I am writing to formally request permission to temporarily reside in our RV on our property located at 950 Kennon Court, within the City of Union. As property owners, we are fully committed to adhering to all local regulations and ordinances and seek your understanding and support during this transitional period.

We recently purchased the aforementioned property with the intention of placing a manufactured home on it. Our goal is to establish a comfortable and permanent residence for our family. However, upon further review of the current mortgage interest rates, we have determined that it would be financially prudent to wait for the rates to become more favorable before proceeding with the construction of the manufactured home. This decision is driven by our desire to ensure the long-term financial stability of our family and to make the most informed choices for our investment.

In light of this, we are kindly requesting permission to temporarily reside in our RV on the property. This temporary arrangement will allow us to oversee the property, make necessary preparations for the eventual construction of our home, and fulfill our responsibilities as property owners.

We assure you that our intention is solely to occupy the RV on the property for a limited duration until we can proceed with the permanent construction of the manufactured home. We are fully aware of the importance of adhering to all zoning and land use regulations, as well as respecting the community and its values.

During our temporary residency in the RV, we will take every measure to ensure that the property remains well-maintained and presentable. We understand and respect the need to maintain the aesthetic and environmental integrity of the neighborhood, and we are committed to being responsible and considerate neighbors throughout our time on the property.

We kindly request your approval for this temporary arrangement, which will greatly assist us in achieving our goal of building a secure and stable home for our family. We appreciate your time and consideration of our request and are more than willing to provide any additional information or documentation that may be required to support our application.

Thank you for your attention to this matter. We look forward to the opportunity to discuss our request further if needed. Please find enclosed all necessary documents and our completed application. I am available at 541-663-6509 or Brandon.inslee@gmail.com if you have any questions or require further information.

Sincerely,

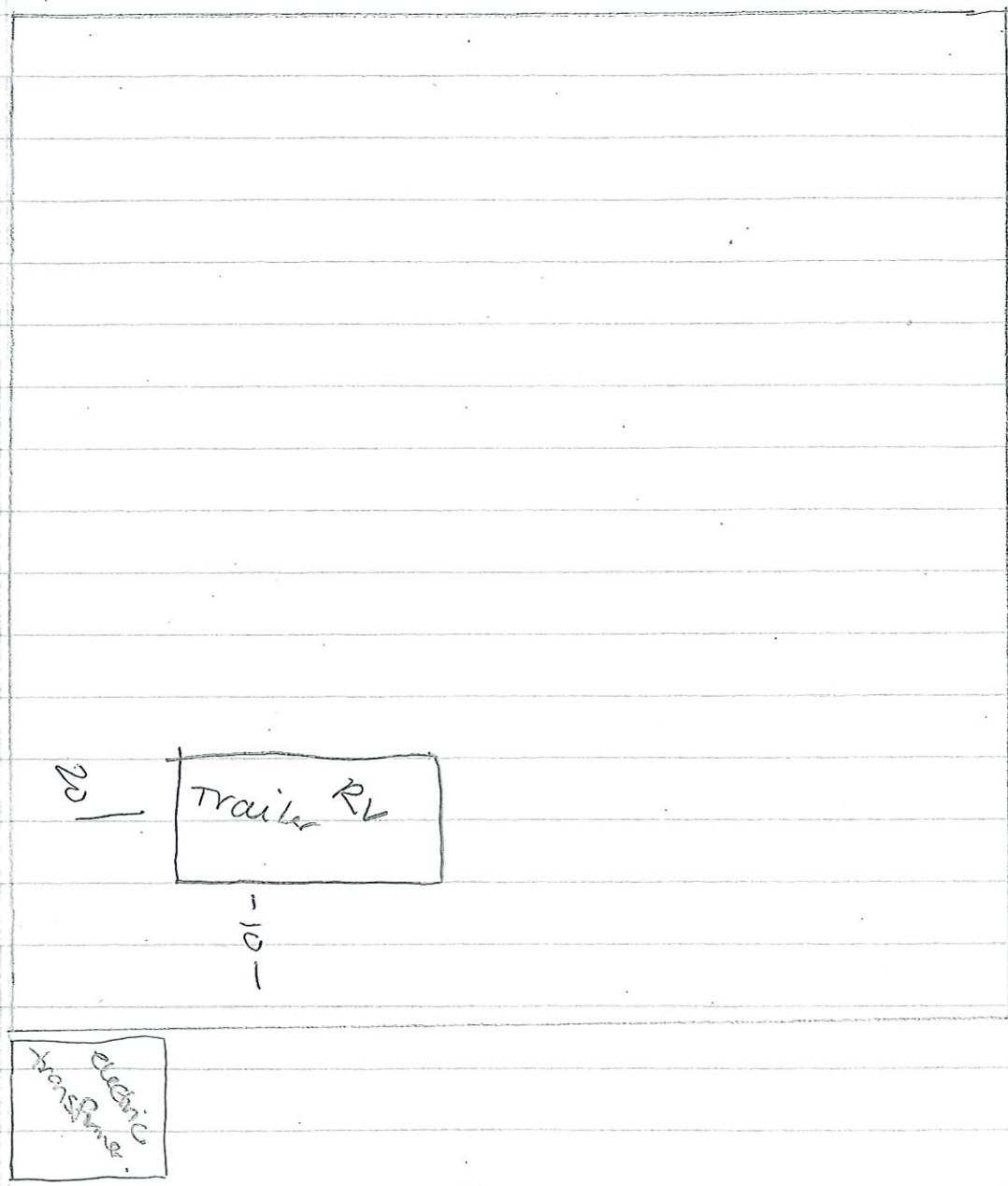
Brandon Inslee

A handwritten signature in black ink, appearing to read 'Brandon Inslee', with a long, sweeping horizontal line extending to the right.

Enclosure: City Planning Application

Brandon + Stephanie Inks

known
at



our only copy

Exhibit A - Page 1 of 1

FILE: 4S40E18CB-803.docx
TAX LOT 04S4018CB-803
KENNON. – AP (JAM) 30-Nov-22

Tract 1 – LEGAL DESCRIPTION

A parcel of land located in the Northwest One-quarter of the Southwest One-quarter of Section-18, Township 4 South, Range 40 East, Willamette Meridian, City of Union, Union County, Oregon and being a portion of Partition Plat No. 2021-0024, recorded 28 December, 2021, Union County Records and being more particularly described as follows:

Parcel 1 of said Partition Plat No. 2021-0024

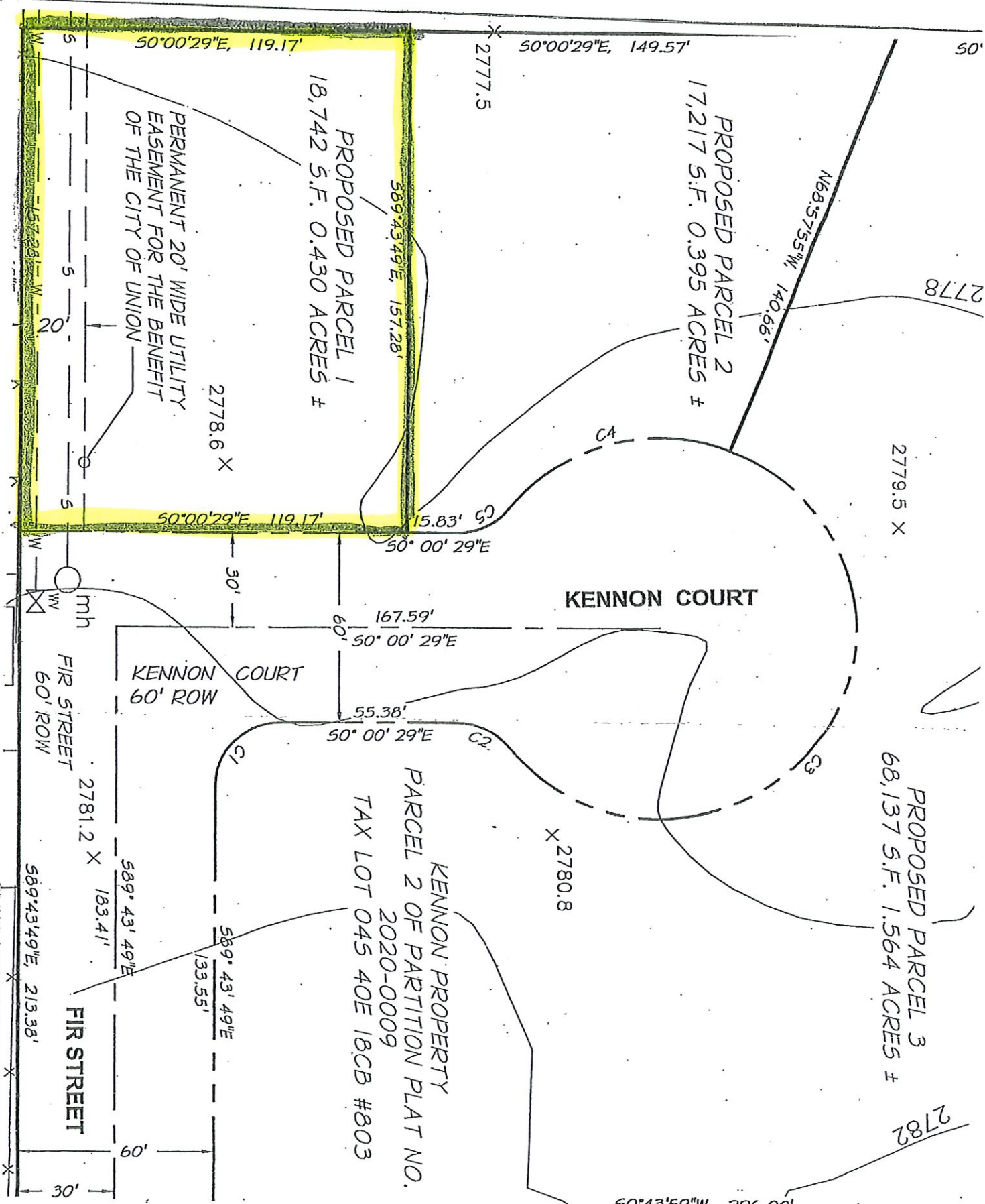
Tract 1 contains 18,742 square feet (0.430 acres) more or less

Subject to all rights-of-way, easements and encumbrances of record or in view.



EXPIRES: 12/31/22

SIGNED: 11/30/22



CITY OF UNION, OREGON



City of Victorian Heritage

342 South Main St.
P.O. Box 529
Union, OR 97883

cityhall@cityofunion.com
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Phone: (541) 562-5197
Fax: (541) 562-5196
TTY: (800) 735-1232

Home of Buffalo Peak Championship Golf Course

Wednesday, August 30, 2023

NOTICE OF PUBLIC LAND USE HEARING

Dear Land Owner:

Conditional Use Permit 23-06

Applicant: Brandon Inslee

Location: 950 Kennon Court, Union, OR 97883

Legal: 0454018CB, Tax Lot: 803

Reason: Temporarily live in RV on lot until house is built (up to one year after approval).

The hearing to consider the application will be held on **Wednesday, September 20, 2023, at 7:00 P.M.** in the Leonard Almquist Council Chambers, Union City Hall, 342 S. Main Street, Union, Oregon.

Applicable criteria for the Planning Commission's decision are found within the following.:

City Ordinance Codified Code: Chapter 155 (Notices, Conditional Uses, Use Zones)

A copy of the application and provided supporting materials from the applicant are available for inspection at no cost during City Hall business hours. The staff report will be available for inspection at City Hall, at no cost one week prior to the hearing date. Copies of all materials will be available at cost. Hard copies of all materials will be available at cost.

Testimony for/against the proposed land use action may be presented orally at the hearing, or by written statement presented to City Hall by the hearing date. Testimony and evidence must be directed toward the criteria above or other criteria in the Zoning ordinance and/or Land Use Plan that you believe to be appropriate. Failure to raise an issue with enough specificity to afford the Planning Commission and the parties an opportunity to respond will preclude appeal of any resulting land use decision to the land Use Board of Appeals.

If you have any questions or need more information, please contact the City Administrator, Roberta Vanderwall, at City Hall 541-562-5197, or fax 541-562-5196 or email admin@cityofunion.com.

If you have a disability requiring any special materials, services, or assistance, please contact the City Office Manager at City Hall, 541-562-5197, at least 48 hours before the hearing.

Sincerely,

Roberta Vanderwall
Interim City Administrator

STAFF REPORT TO CITY OF UNION
Prepared for the Public Hearing on September 20, 2023

TO: City of Union Planning Commission

FROM: Roberta Vanderwall, City Administrator/Recorder/ Planner

RE: Johnny & Deborah Kennon - Application for Minor Partition MNP-23-02

SITE: 04S40E18CB Tax Lot 806.

APPLICATION BACKGROUND

The City of Union received an application for Minor Partition (MNP) on August 17, 2023. The application was determined to be complete for its initial review in front of the Planning Commission on September 20, 2023. On August 31, 2023, public notice was mailed to Union landowners within 300 feet of the property on the public hearing before the planning commission.

§ 155.140 NOTICES AND APPLICATION PROCEDURES.

The City Administrator or his or her designee shall give notice of a public hearing on a conditional use, variance, or quasi-judicial change to the zoning map, or any other public hearing required by this chapter to all property owners within the applicable radius for notices as specified in § 155.141, and to such other parties as are deemed affected by the proposed change. Notice shall be by first-class mail or personal service with proof of delivery. Notice shall be mailed or delivered not less than 20 days, but not more than 40 days, prior to the date set for the first public hearing on the application, or not less than ten days for applications requiring more than one evidentiary hearing. Names and addresses of property owners shall be those shown in the records of the Union County Assessor.

(Ord. 491, passed 6-13-2005; Ord. 509, passed 2-11-2008)

§ 155.141 RADIUS FOR NOTICES.

The radius for notices shall be within 300 feet of the exterior boundaries of the subject property, if the subject property is in the city limits but not in a farm or forest zone; or within 500 feet of the exterior boundaries of the subject property, if the subject property is in a Farm or Forest Zone

(O.R.S. 197.763(2)(a); Ord. 491, passed 6-13-2005)

§ 155.142 CONTENT OF NOTICES.

Notices to property owners shall:

- (A) Explain the nature of the application and the proposed use or uses which could be authorized (O.R.S. 197.763(3)(a));
- (B) List the applicable criteria from the Zoning Ordinance and land use plan that apply to the application (O.R.S. 197.763(3)(b));
- (C) Set forth the street address or other easily understood geographical reference to the subject property (O.R.S. 197.763(3)(c));
- (D) State the date, time, and location of the hearing (O.R.S. 197.763(3)(d));
- (E) State that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue (O.R.S. 197.763(3)(e));
- (F) Include the name of the local government representative to contact and the telephone number where additional information may be obtained (O.R.S. 197.763(3)(g));
- (G) State that a copy of the application, all documents and evidence relied upon by the applicant, and the applicable criteria are available for inspection at no cost and will be provided at reasonable cost (O.R.S. 197.763(3)(h));
- (H) If any staff report is to be used at the hearing, state that a copy of the staff report will be available at no cost at least seven days prior to the hearing and will be provided at reasonable cost (O.R.S. 197.763(3)(i)); and
- (I) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings (O.R.S. 197.763(3)(j)).

(Ord. 491, passed 6-13-2005)

APPLICATION REQUEST

The applicant is requesting to partition off a portion of ground within Map#04S40E18CB Tax Lot 806. A portion of Kennon court, see attached drawing.

PROPERTY LOCATION

The site is located at 04S40E18CB Tax Lot 806, Union, OR 97883. Property is located between Fir Street/Bryan Avenue and Third and Fifth Streets.

LAND USE PLAN

The subject property is in a Residential R-1 zone, which identifies a minimum lot size of 7,500 square feet. Minimum lot frontage shall be 60 feet, except that cul-de-sac lots may have 30 feet of frontage. There shall not be more than one dwelling and its accessory buildings constructed on one lot. Minimum requirements for setbacks shall be 20 feet front yard line, 10 feet side yard line and 10 feet rear yard line. Street frontages of corner lots shall be considered front yards. Accessory structures minimum setback requirements shall be five feet from side yard or rear lot lines. On all streets and street easements of less than 40 feet, building setbacks shall be calculated so that if the street right-of-way were widened to 60 feet the above minimum setbacks would result. No building permit shall be issued for construction of a building without such setback adjustments unless a variance is granted.

EXISTING CONDITIONS

The subject property is currently vacant land. Residential homes border all sides the property to be partitioned and would be accessed through the newly created road of Kennon Court.

ANALYSIS

Applicant wishes to make the following partitions depicted below:

See Attachment

PUBLIC WORKS AND EMS DEPARTMENT STATEMENTS

Water and sewer main lines have been installed.

SUGGESTED FINDINGS OF FACT FOR THE CONDITIONAL USE PERMIT

The Planning Commission may use the following findings which are relevant to justify approval or denial of the application for a minor partition plus add additional findings as brought out through testimony presented at the public hearing. Obviously, each of the following findings will tend to support or deny the application.

FINDINGS

1. The minimum lot size for new lots and parcels in the R-1 zone are adequate to provide for a single-family home and all three parcels meet the minimum lot size.
2. City utility services will need to be installed to service the lots by the applicant.
3. Minimum lot frontage of 60 feet will be maintained by the applicant as depicted in their drawings submitted with the application.

4. All lots created will be maintained in the zone they currently reside of “R-1.”
5. Future development of the area for streets and transportation already meets the requirements and abut all the properties of the partition request. There are no further proposed streets for the area.
6. The proposed minor partition is in accordance with the area land use plan and zoning requirements. It does not materially alter the stability of the overall land use pattern of the area, nor initiate or encourage a pattern of development incompatible with existing area uses.
7. Property does not border an Oregon State Highway so that jurisdiction requires no notification.
8. There are no historic sites or structures on any of the properties.
9. School district appears to have no adverse impact from the partition and can accommodate any additional students to the school system.
10. No information has been provided about access, other than what can be inferred from the preliminary drawings.

COMMENTS RECEIVED:

No comments have been received at the time of this staff report, any comments presented after the printing of this report will be brought before the planning commission on September 20, 2023.

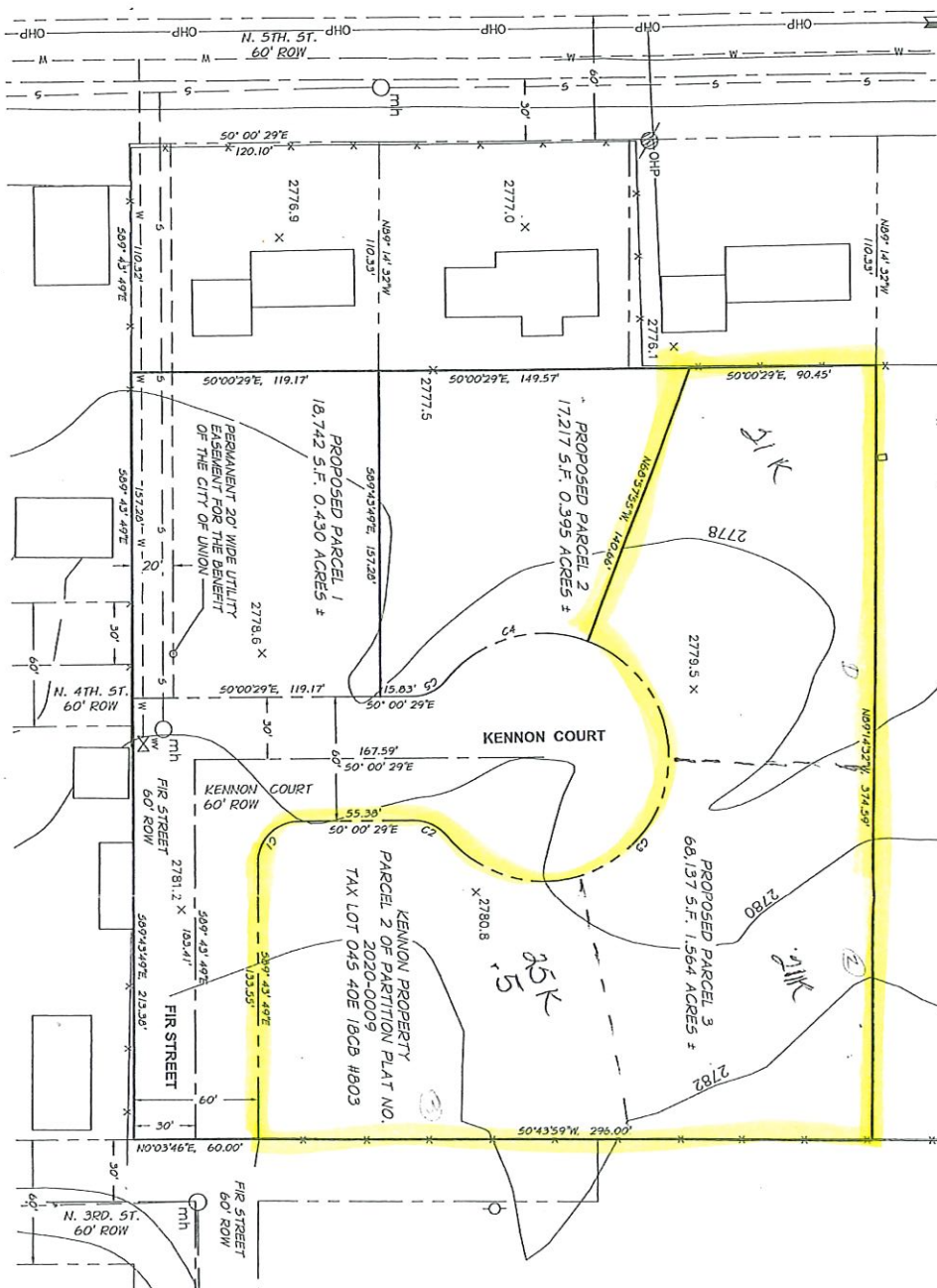
STAFF SUGGESTED CONDITIONS:

If the Planning commission approves the proposed minor partition, then the following conditions should be discussed and potentially applied:

1. Final plat must comply with the standards and criteria set forth in Title XV: Chapter 152.
2. If approved by the Planning Commission, the Applicant will have one year to submit their final plat for signing by the Mayor. After signing by the Mayor, the applicant will have 90 days in which to have the plat recorded.
3. Prior to the development of any lots within the partition the road shall be developed/paved to the required City Standards.

(Failure to follow through on final plat requirements will make all decisions of the Planning Commission for this property null and void.)

DINNER:
DEBORAH L. KENNON AND JOHANN C. KENNON, JR., HUSBAND AND WIFE
THE PROPERTY IS TAX LOT 045 40E 102B 10203 AND CONTAINS 2.39 ACRES
AREA:
SUBJECT:
ANDERSON-PERRY & ASSOCIATES, INC.
P.O. BOX 1107
LA GRANDE, OREGON 97630
(503) 963-8309 ATTN: RICHARD E. STEIN, P.L.S.



1. PROPERTY TO BE FENCED IS LOCATED WITHIN THE CITY OF UNION, UNION COUNTY, MISSOURI, CONTAINING 2.97 ACRES.
2. THE PROPERTY IS CURRENTLY UTILIZED FOR RESIDENTIAL PURPOSES.
3. THE PROPERTY IS INTENDED TO BE UTILIZED FOR RESIDENTIAL PURPOSES.
4. THIS PARCEL IS INTENDED TO CONTINUE TO BE UTILIZED FOR RESIDENTIAL PURPOSES.
5. THE PARCEL IS LOCATED WITHIN THE BOUNDARIES OF THE UNION FIRE PROTECTION DISTRICT.
6. THE PARCEL IS LOCATED WITHIN THE BOUNDARIES OF THE UNION SCHOOL DISTRICT.
7. THE PROPERTY IS NOT ACTIVELY ASSOCIATED WITH AN PROTECTION DISTRICT.
8. THE PROPERTY IS NOT IN A FLOOD ZONE, AS WELL AS AN AREA OF ANNUAL FLOODING, ACCORDING TO FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PLAN NO. 410233, 0001, EFFECTIVE BEGINNING 1/1/83.
9. THERE ARE LESS THAN 6 PARENTS.
10. CONTOUR ELEVATIONS ARE SHOWN.
11. DIMENSIONS OF PLOTS, SHOWN, ARE APPROXIMATE AND BASED ON RECORD DATA.
12. NEIGHBORHOOD UTILITIES SHOWN ARE BASED ON THE BEST AVAILABLE EVIDENCE.
13. NEIGHBORHOOD UTILITIES SHOWN ARE BASED ON THE BEST AVAILABLE EVIDENCE.
14. ARE APPROPRIATE LOCATIONS, NO UTILITY LOCATES WERE COMPLETED.

LEGAL DESCRIPTION:
A PARCEL OF LAND IN THE NORTHWEST ONE-QUARTER OF SECTION 16, TOWNSHIP 4 SOUTH, RANGE 40 EAST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
PARCEL 2 OF PARTITION PLAT 2020-0099, RECORDED IN PLAT 2020-0099, RECORDED IN THE PUBLIC RECORDS OF LINCOLN COUNTY, NEBRASKA, PARTITION E870 E871 E800 OF LINCOLN COUNTY RECORDS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Rick E. Stein

OREGON
COMMISSION
RICK E. STEIN
49593P15

EXPIRES: 6/30/2022

40 0 40 80 120
SCALE: 1"=40'

Kennon Court, #806
Partition

Legend
Singletree Farm



Google Earth

100 ft



Kennon Court, #806

Partition

Legend
Singletree Farm



Google Earth



CITY OF UNION PLANNING APPLICATION

 Application #: 23-02
 Received By: KG

 Date Submitted: 8/17/23
 Date of Notification: 8/31/23
 Date of 1st Hearing: 9/20/23
 Date Completed: _____

APPLICATION TYPE (Check one):

☐ Conditional Use Permit	☒ Minor Partition	☐ Street/Alley Vacate	☐ Zone Text Amendment
☐ Flood Zone Permit	☐ Plan Amendment	☐ Variance	☐ Site Plan Review
☐ Historic Design Review	☐ Property Line Adjustment	☐ Zone Change	☐ Major Partition

Other: _____ Fee Amount: \$ 300.00Applicant: Johnny C. + Deborah L. KeanonAddress: 1045 N 5th St.City: Union State: OR Zip: 97883 Phone: 541-910-7781

Property Owner (if Different): _____

Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

DEVELOPMENT REQUEST

Proposed Land Use {be specific}: _____

PROPERTY INFORMATION

- Physical Site Address: _____
- Map: 04S 40E 18CB Tax Lot: 806 Lot Size: _____
- Has property been surveyed? ☒ Yes ☐ No Inside urban growth boundary? ☒ Yes ☐ No
- Current zone classification? R-1 Existing Structures: N/A
- Existing Easements: N/A
- Overlay Zones: Flood Zone? ☐ Yes ☒ No Historic District? ☐ Yes ☒ No
- Major Topographical features (stream, ditch, slope, etc.): N/A

STATEMENT OF UNDERSTANDING

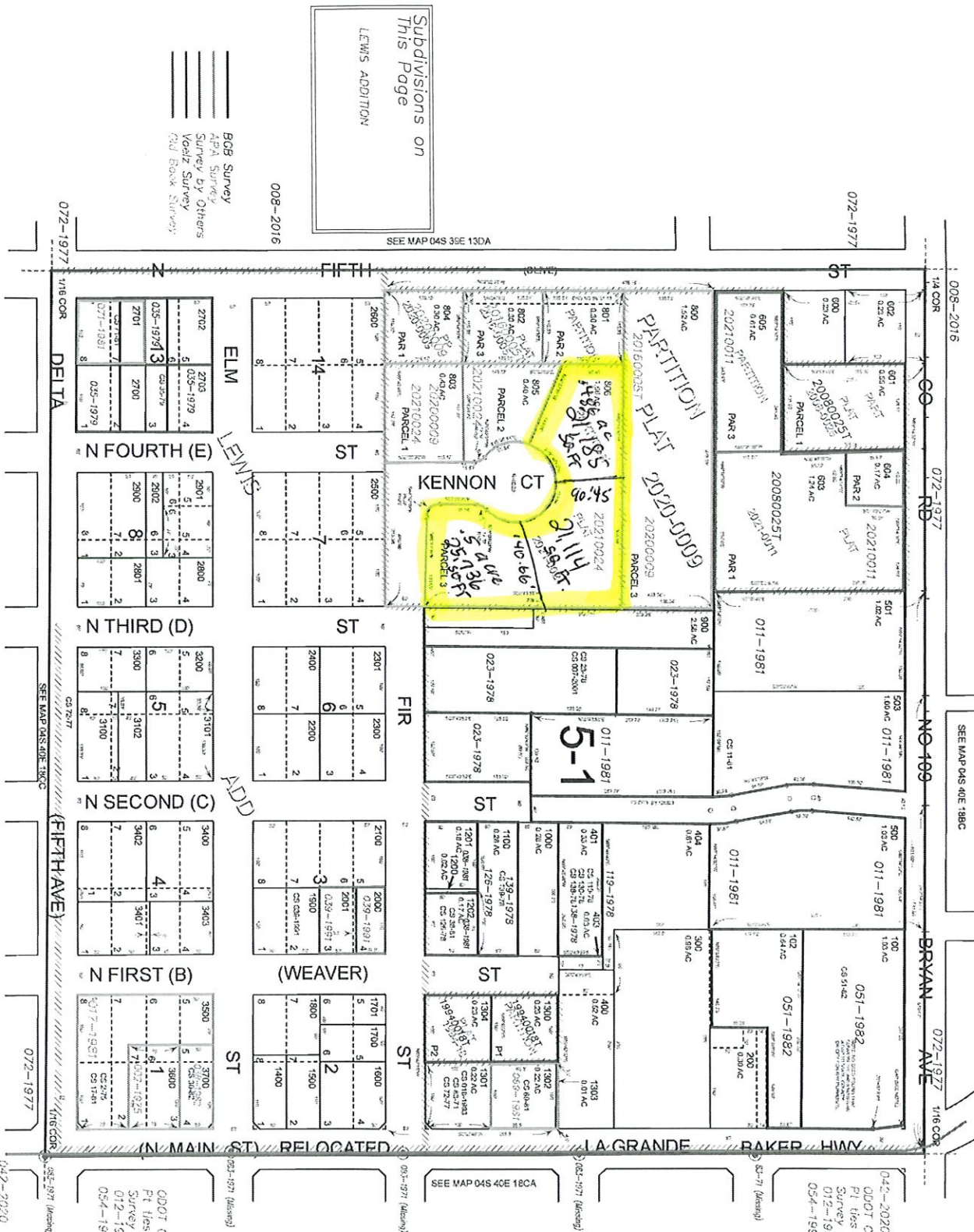
I understand that I have the burden to prove my request meets all applicable ordinance requirements and that I must address all criteria that may apply. The criteria for approving or denying my request has been furnished to me as part of this application. I understand supplemental materials and information may be required by City of Union staff to complete the application.

I certify the above information to be true and correct and that I am the property owner, or authorized representative for the property owner. I understand that my application may be denied or delayed if incomplete or found to be falsified.

APPLICANT SIGNATURE: Deborah L. KeanonDATE: 8/17/23

04S40E18CB
UNION

Cancelled
101
402
502
700
701
3000
3001

Revised: MA
02/07/2023

UNION
04S40E18CB

City of Union, Oregon



PO Box 529
342 S. Main Street
Union, OR 97883

Phone: 541-562-5197
Fax: 541-562-5196
www.cityofunion.com

Home to the Buffalo Peak Golf Course

Thursday, August 30, 2023

NOTICE OF PUBLIC HEARING

Dear Property Owner,

You are receiving this letter because the boundary of your property is located within 300 feet of a parcel of land being considered for the following proposed land use action.

Applicant: *John & Deborah Kennon*
Land Use Application: *Map 04S40E18CB, Tax Lot 806; Parcel 3, Partition into three separate lots of property.*
Property Description: *Union County Assessor's Map 04S40E18CB, Tax Lot 806; otherwise, 1045 N. 5th Street, Union, Oregon 97883.*

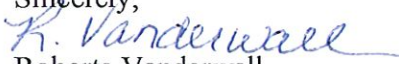
The hearing to consider the application will be held on **September 20, 2023 at 7:00 p.m.** or shortly thereafter in the Leonard Almquist Council Chambers, Union City Hall, 342 S. Main Street, Union, Oregon.

Applicable criteria for the Councils' decision can be found in the Codified Land Usage Ordinance under Title XV, Chapter 152, Partition and Subdivision, Chapter 155, Use Zones and Notices and in Oregon Revised Statutes (ORS) Chapter 271. A copy of the application and all evidence relied upon by the applicant are available for inspection at no cost during City Hall business hours, 342 S. Main Street, Union, Oregon. The staff report will be available for inspection at City Hall, at no cost, one week prior to the meeting. Copies of all materials will be available at cost.

Testimony for or against the proposed land use action may be presented orally at the Council hearing, or by written statement presented to City Hall Staff by **September 19th, 2023**. Testimony and evidence must be directed toward the criteria above, or to criteria in the Land Usage Ordinances that you believe would apply to the decision.

If you have questions or need more information, please contact Interim City Administrator, Roberta Vanderwall, at City Hall 541-562-5197, fax 541-562-5196 or email admin@cityofunion.com.

If you have a disability requiring any special materials, services or assistance, please contact the City Office Manager at City Hall 541-562-5197 at least 48 hours before the hearing.

Sincerely,

Roberta Vanderwall
Interim City Administrator/Planner