

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 **April 19, 2023 at 7:00pm** **Leonard Almquist Chambers located at 342 S. Main Union, OR 97883**

1. Call to Order and Roll Call

Commissioners:

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

2. Minutes

- a. March – Planning Minutes

3. Old Business

- a. CUP 23-02 - Temporary RV Living – Dorthea Sutor

4. New Business

- a. Elect New Chairman
- b. V 23-01 – Variance – Jay Blackburn

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

6. Upcoming:

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, March 15, 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 excused, Commissioner Dan Hall excused, Commissioner Robert Burton, Commissioner Edwin Baird, Commissioner Samn Diller, City Administrator Doug Wiggins excused, Deputy Recorder Clerk Shauna Norenberg, and Administration Office Clerk Krista Griffiths.

Commissioner Jeff Williams was sworn in by Deputy Recorder Clerk Shauna Norenberg.

The first item on tonight's agenda was the minutes from November's meeting. Commissioner Baird motioned to accept the minutes as presented. Commissioner Diller second. The minutes were accepted as written.

The next item was to elect a new Chairman for the commission. Commissioner Baird motioned to table until the next meeting. Commissioner L. Jones second and the motion passed unanimously.

Under new business was a public hearing for a conditional use permit, CUP 23-01.

The public hearing opened at 7:05 p.m.

On applicant testimony, Melissa Hunt 368 W. Fulton said we are petitioning to allow our family to live in the trailer until they can find adequate housing.

A letter against this conditional use permit was read for the record by Shauna Norenberg.

Melissa Hunt used photographs in the packet to show the Commissioners where the trailer is located. Commissioner Burton and Ms. Hunt discussed setbacks from buildings. Commissioner Williams said it is definitely not 10 feet from the main dwelling.

The public hearing closed at 7:15 p.m.

After Commissioner deliberation, Commissioner Diller motioned to approve the permit with staff recommendations with setbacks and all utilities hooked up to code. Commissioner L. Jones second. The motion passed with Commissioner Williams voting no.

The last item under new business was another conditional use permit, CUP 23-02.
The public hearing opened at 7:24 p.m.

On applicant testimony, Regina Warren 910 N. Cove Street said I am occupying the trailer, I am not in there during the day and only using it at night. I am not hooked up to utilities except for electricity.

The public hearing closed at 7:27 p.m.

After Commissioner deliberation, Commissioner Baird motioned to deny the permit because the trailer can not meet the setback of 10 feet from the main dwelling. Commissioner L. Jones second. After discussion on the property and the setback requirement of 10 feet from the main dwelling, the motion was rescinded. Commissioner Baird motioned to table the hearing until the next meeting. Commissioner L. Jones second. The motion passed unanimously.

Commissioners and Ms. Warren discussed the situation further.

There wasn't any further public comment.

This meeting adjourned at 7:48 p.m.

Approved: _____

Chairman,

Attest: _____

City Administrator/Recorder, Doug Wiggins

REPORT TO CITY OF UNION PLANNING COMMISSION

TO: City of Union Planning Commission

FROM: Doug Wiggins, City Administrator/Recorder/Planner

RE: Dorthea Sutor, 910 N Cove Street, Union, OR. 97883

- Application for Conditional Use Permit CUP-23-02
 - To allow living in a RV for taking care of a family member

PROPERTY: County Assessor's Map 04S 40E 18CA, Tax Lot 3200
910 N. Cove Street, Union, OR. 97883

BACKGROUND

Application was filed by Dorthea Sutor with permission of the property owner Sheryl Burke, on February 8, 2023, for the referenced conditional use permit (CUP). The application was determined complete with no drawing depicting the location and placement of the RV but stated it would be in the driveway. All property owners lying within 300 feet of this property described herein were mailed notices February 24, 2023, notifying residents of the applications, process, and the hearing date (March 15, 2023, at 7:00 PM).

§ 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 March 15, 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)).

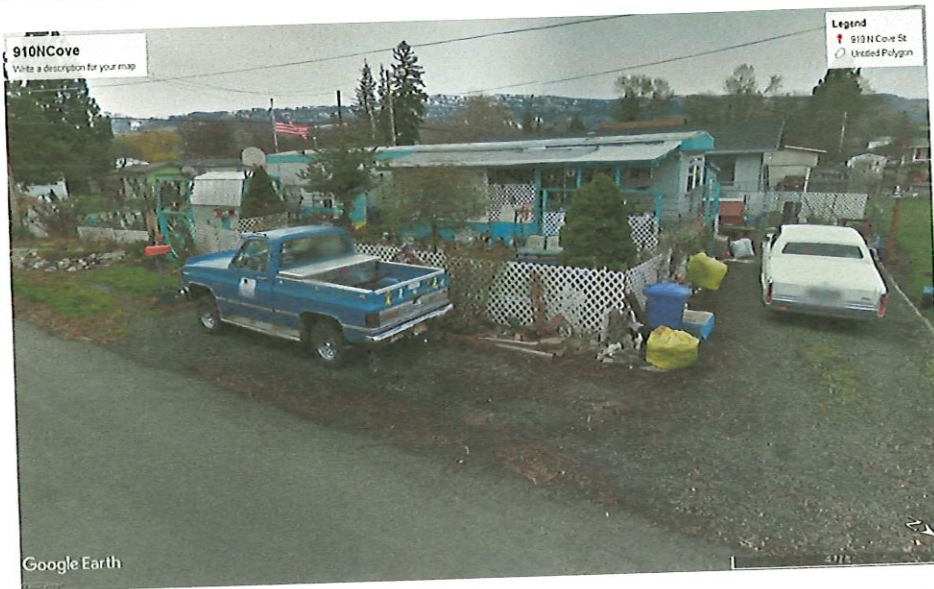
(Ord. 491, passed 6-13-2005)

PROPOSAL/APPLICATION DESCRIPTION/REQUEST

The applicant is requesting a CUP to live in a recreational vehicle (RV) on the subject property while they care for a family member. Applicant plans to park the RV in the driveway to live in.

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on March 15, 2023



SITE AND VICINITY DESCRIPTION

The property is located at 910 N. Cove Street and the lot size is approximately 5000 square feet and has a 985 square foot home on the lot along with a small shed. This property is zoned Residential (R-1). The property is surrounded by other residential lots within the same zone.

LAND USE PLAN

The subject property is in a Residential zone R-1. One and two-family dwelling units are allowed, but the use of a travel trailer as a temporary primary dwelling unit may be allowed through a CUP within the provisions of City Ordinance Title XV and that such application shall be referred to the Planning Commission.

REPORT TO CITY OF UNION PLANNING COMMISSION
Prepared for the Public Hearing on March 15, 2023

APPLICABLE CRITERIA AND STANDARDS

The following criteria must be applied for the CUP by the commission when deciding whether to allow the applicant to live in his travel trailer on 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 particular 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.
- (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.

(Ord. 337, passed 6-11-1979)

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, Dorteia Sutor, applied to park and occupy a recreational vehicle at 910 N. Cove Street, Union, OR. 97883. Application has been reviewed, accepted, and

REPORT TO CITY OF UNION PLANNING COMMISSION
Prepared for the Public Hearing on March 15, 2023

referred to the Planning Commission.

- The application had no drawing showing the location and placement of the travel trailer within the property boundary but did state it would be parked in the driveway.
- The Fire Chief will require a minimum separation of 10 feet between occupied travel trailers and other structures for fire, life, and safety concerns.
- The Fire Chief will require no propane bottles attached to the unit greater than 50 U.S. gallons.
- Setbacks from other buildings and property lines shall adhere to City of Union codes and building rules.
- As of the writing of this staff reports, no comments have come forward on the proposal.

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; but may be extended by review of the Planning Commission for living in the travel trailer.
2. The RV shall be connected to City Water and Sewer and pay appropriately for a monthly service.
3. All electrical hookups shall meet standards set forth with the most current electrical code.
4. Off street parking must be maintained on the property.
5. The RV must maintain adequate street and side yard setbacks.
6. No propane bottle shall exceed a size of greater than 50 gallons.

**REPORT TO CITY OF UNION
PLANNING COMMISSION**

TO: City of Union Planning Commission

FROM: Doug Wiggins, City Administrator/Recorder/Planner

RE: Jay Blackburn, 599 S. 10th Street, Union, OR. 97883
• Application for Variance V-23-01

PROPERTY: County Assessor's Map 04S 39E 24AD, Tax Lot 700
599 S. 10th Street, Union, OR. 97883

BACKGROUND

Application was filed by Jay Blackburn on March 9, 2023, for the variance (V). The application was determined to be complete and included drawings depicting the reason for the variance needed. Property owners lying within 300 feet of this property described herein were mailed notices March 29, 2023 notifying them of the applications, process, and the hearing date (April 19, 2023 at 7:00 PM).

§ 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)

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on April 19, 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)

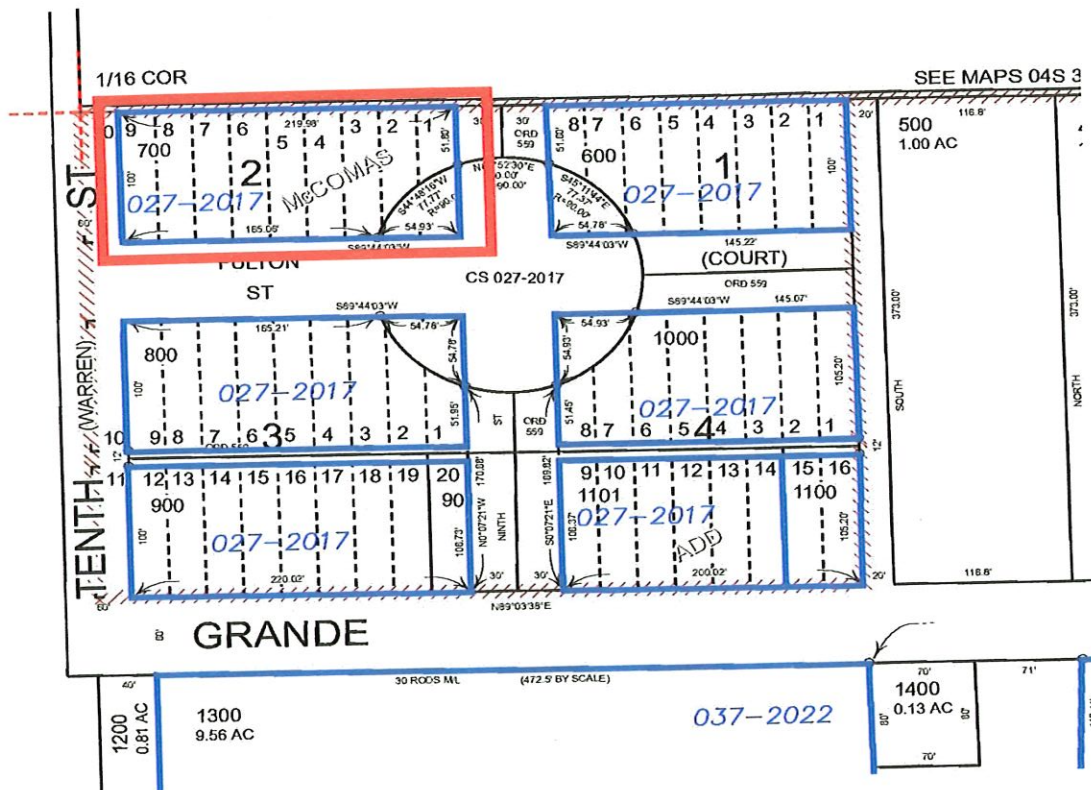
PROPOSAL/REQUEST/DESCRIPTION AND VICINTY

The application submitted is requesting a variance (V) to encroach setback requirements from a side lot by 1 foot (4 foot setback rather than 5 foot). Current City standards require setbacks from ancillary buildings and sidelots to be 5 foot and applicant is asking for 4 foot from the north side lot boundary of his property.

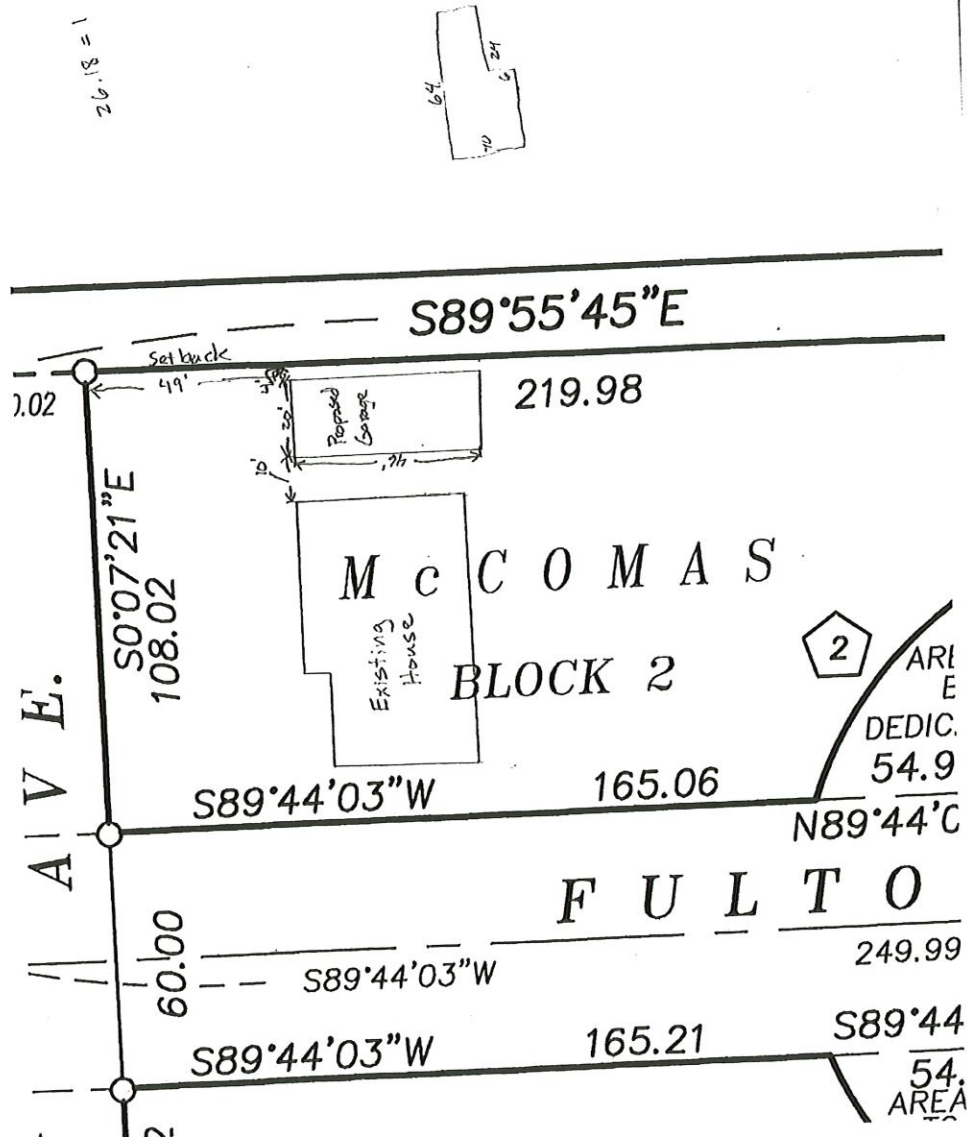
The property is located on 10th Street adjacent to the Union School District Quanshut at the ball fields (599 S. 10th Street). The said property is zoned residential with commercial amusement zoned property to the north, exclusive farm use zoned property to the west, and residential zoned property on the east and south. The size of the lot is approximately 20,250 ± SqFt.

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on April 19, 2023



REPORT TO CITY OF UNION PLANNING COMMISSION
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APPLICABLE ZONING/LAND USE/CRITERIA/STANDARDS

The following criteria must be applied for the variance by the commission when deciding whether to allow the applicant to impede setbacks on Residential (R-1) zoned property:

§ 155.068 AUTHORIZATION OF VARIANCES.

The Planning Commission may authorize variances from the requirements of this chapter where it can be shown that owing to special and unusual circumstances related to a particular piece of property, the literal interpretation of this chapter would cause undue or unnecessary hardship. No variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on April 19, 2023

the best interest of the surrounding property and to otherwise achieve the purposes of this chapter.

(Ord. 337, passed 6-11-1979)

§ 155.041 RESIDENTIAL ZONE (R).

- (E) **Setback requirements.** Minimum requirements shall be 20 feet front yard line, ten feet side yard line, and ten feet rear yard line. Both street frontages of corner lots shall be considered front yards. **Accessory structure 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.**

(Ord. 337, passed 6-11-1979; Ord. 351, passed 9-9-1980; Ord. 429, passed 2-11-1991; Ord. 437, passed 1-11-1993; Ord. 496, passed 6-12-2006; Ord. 558, passed 8-12-2019)

§ 155.069 CONDITIONS FOR GRANTING A VARIANCE.

No variance shall be granted by the Planning Commission unless it can be shown that all of the following conditions exist:

- (A) Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control;
- (B) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other properties in the same zone or vicinity;
- (C) The authorization of the variance shall not be materially detrimental to the purposes of this chapter, be injurious to the property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any municipal development plan or policy; and
- (D) The variance request is the minimum variance from the provisions and standards of this chapter which will alleviate the hardship.

(Ord. 337, passed 6-11-1979)

PROPOSED FINDINGS OF FACT

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

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. The applicant, Jay Blackburn, has applied to impede side yard setback along the north side of his property in Union, OR. Application has been reviewed, accepted, and referred to the Planning Commission.

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on April 19, 2023

2. The application contained a sketch or suitable drawing showing the location of the ancillary building to be built.
3. The property is zoned Residential (R1).
4. No comments have been voiced or written from the public as of the writing of this report.

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 if the Planning Commission approves the Variance, the following conditions should apply:

1. The setback may only affect that setback along the north side of the property in the area depicted by the applicants drawing and shall not impede more than 1 foot of the 5-foot setback.

City of Union, Oregon



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CITY OF UNION PLANNING APPLICATION

Application #: 23-01
Received By: Krista

Date Submitted: 3-9-2023
Date of Notification: 3-29-2023
Date of 1st Hearing: 4-19-2023
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: Jay Blackburn
Address: 599 S. 10th Street
City: Union State: OR Zip: 97883 Phone: 541-786-0171

Property Owner (if Different): _____
Address: _____
City: _____ State: _____ Zip: _____ Phone: _____

DEVELOPMENT REQUEST

Proposed Land Use (be specific): Residential Garage to be built.

PROPERTY INFORMATION

- Physical Site Address: 599 S. 10th Street
- Map: McComas Tax Lot: Block 2 Lot Size: 108.02 x 219.98
- Has property been surveyed? ☒ Yes ☐ No Inside urban growth boundary? ☐ Yes ☐ No
- Current zone classification? Residential Existing Structures: House / shed
- Existing Easements: _____
- Overlay Zones: Flood Zone? ☐ Yes ☒ No Historic District? ☐ Yes ☒ No
- Major Topographical features (stream, ditch, slope, etc.): _____

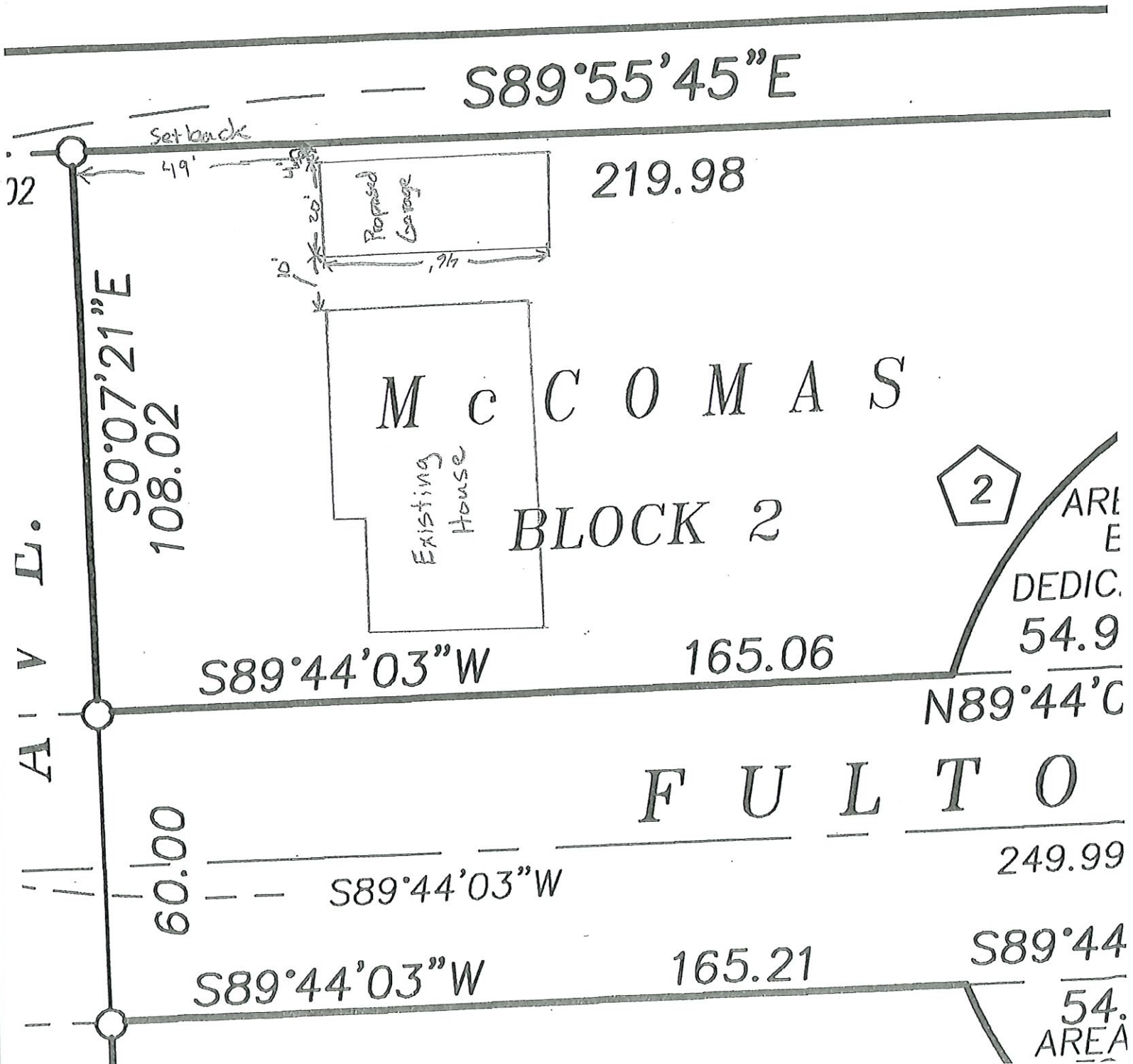
STATEMENT OF UNDERSTANDING

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: _____

DATE: 3/7/2023



City of Union, Oregon



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Phone: 541-562-5197
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Wednesday, March 29, 2023

NOTICE OF PROPOSED LAND USE ACTION PUBLIC HEARING

Dear Property Owner,

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

<i>Applicant:</i>	<i>Jay Blackburn</i>
<i>Land Use Application:</i>	<i>Variance to impede City setback requirement of 5 feet on a side yard for a garage by 1 foot. (V-23-01)</i>
<i>Property Description:</i>	<i>Union County Assessor's Map 04S3924AD, Tax Lot 700; otherwise, 599 S. Tenth Street, Union, Oregon 97883.</i>

The hearing to consider the application will be held on **April 19, 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 is found in the Codified Land Usage Ordinance under Title XV, Chapter 155, Use Zones, Exceptions and Variances, and Notices. 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.

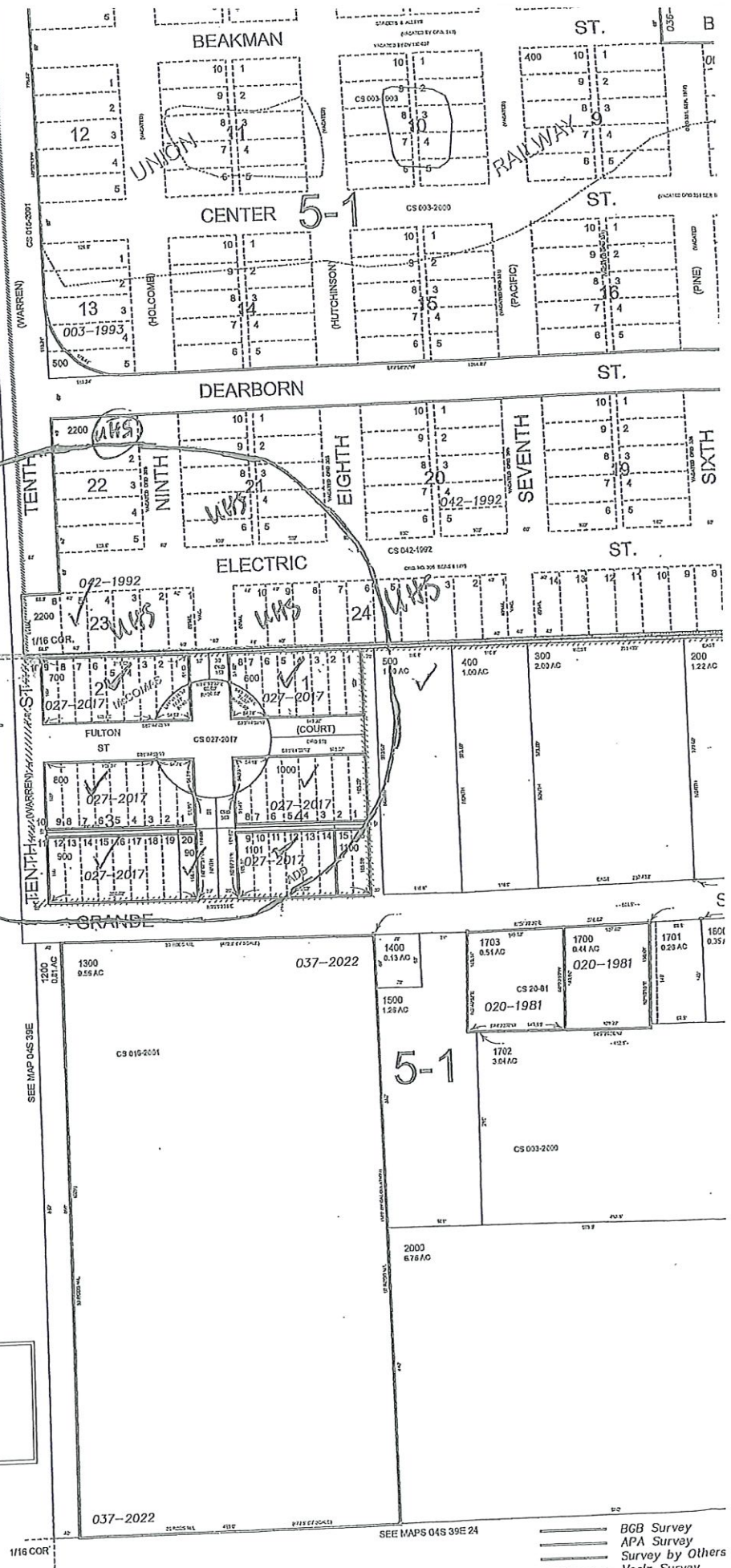
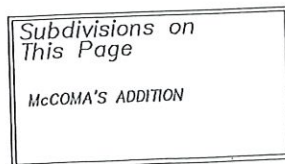
Testimony for or against the proposed land use action may be presented orally at the planning commission hearing, or by written statement presented to City Hall Staff by **April 12, 2023**. Testimony and evidence must be directed toward the criteria above, or to criteria in the Land Usage Ordinances you believe apply to the decision.

If you have questions or need more information, please contact City Administrator Doug Wiggins at City Hall phone 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,

Doug Wiggins
City Administrator



- ☐ BGB Survey
- ☐ APA Survey
- ☐ Survey by Others
- ☐ Voelz Survey
- ☐ Old Book Survey