

City of Union, Oregon



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Home to the Buffalo Peak Golf Course

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CITY OF UNION OREGON PLANNING COMMISSION AGENDA

November 16, 2022 at 7:00pm

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

- 1. Call to Order and Roll Call**
- 2. Minutes**
 - a. September – Planning Minutes
- 3. Old Business**
- 4. New Business**
 - a. CUP 22-06 Temporary RV Living - Coby Joseph
 - b. V 22-02 Variance to impede setbacks - VFW
- 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, September 21, 2022, 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, Commissioner Dan Hall excused, Commissioner Dan Davenport excused, Commissioner Robert Burton, Commissioner Edwin Baird, Commissioner Sam Diller excused, and City Administrator Doug Wiggins.

The first item on tonight's agenda was the minutes from June's meeting. Commissioner Jocelyn Jones motioned to approve. Commissioner Lani Jones second. The motion passed unanimously.

The next item on the agenda was a public hearing for a street vacate of Gail Street, SV 22-01. The public hearing opened at 7:02 p.m.

On the staff report, CA Wiggins said I have been talking to applicant for about a year on this. This will be a vacate on South Gail Street. We do have sewer utility in there. He did bring a signed petition from the surrounding landowners as required by state law. I talked to the applicant about putting a utility easement through the land. There is also water service through there. They can't build on the easement, but they can still use the land. This is a review to see if there are any other uses for the land.

On applicant testimony, Dennis Clark said I don't see a use for a street through there. Commissioner Burton and CA Wiggins discussed how big the easement is going to be and where it will be. They also discussed whether all the landowners are aware of this. CA Wiggins said he got everyone to sign the petition except for one landowner but he has no issue with this.

CA Wiggins said I got an email yesterday from Mike O'Connor thanking me for being notified and that he has no issue with this. The Commissioners and CA Wiggins reviewed the map and observed where everything is located.

The public hearing closed at 7:13 p.m.

After Commissioner deliberation, Commissioner Jocelyn Jones motioned to approve the vacate with the utility easement of 20 feet being maintained. Commissioner Baird second. The motion passed unanimously.

There wasn't any public comment.

CA Wiggins said we may have another issue coming up with VFW and putting up a picnic table with a canopy. I went to talk to them about setbacks because they didn't come get information before they installed it. All construction was shut down because they didn't have a building permit, because of setbacks, and zoning. They may have to come before the planning commission for a variance depending on their decision.

This meeting adjourned at 7:22 p.m.

Approved: _____
Chairman, Dan Davenport

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: Coby Joseph, 1010 Titus Drive, Union, OR. 97883
• Application for Conditional Use Permit CUP-22-06

PROPERTY: County Assessor's Map 04S4019AB, Tax Lot 209
1010 Titus Drive, Union, OR 97883

BACKGROUND

Application was filed by Coby Joseph on October 19, 2022, for the referenced conditional use permit (CUP) and determined complete. All property owners lying within 300 feet of this property described herein were mailed notices October 24, 2022, notifying residents of the applications, process, and the hearing date (November 16, 2022, at 7:00 PM).

NOTICES

§ 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. Names and addresses of property owners shall be those shown in the records of the Union County Assessor.

§ 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

§ 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)).

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on November 16, 2022

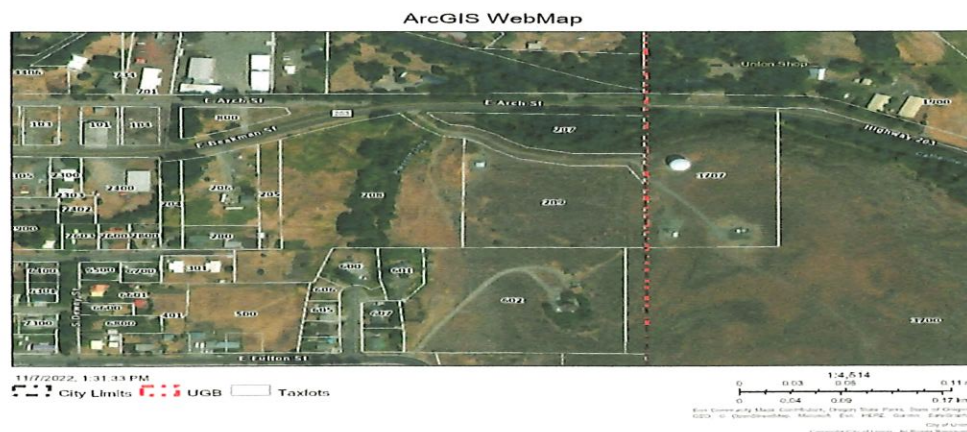
- (D) State the date, time, and location of the hearing (O.R.S. 197.763(3)(d)).
- (E) State that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes appeal 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)).

PROPOSAL DESCRIPTION

The applicant is requesting a CUP to park a travel trailer on the subject property for living purposes while awaiting the delivery and setup of his home for the property. This property is zoned Residential (R-1). The lot is approximately 4.94± acres.

SITE AND VICINITY DESCRIPTION

The property is located just off the Medical Springs Highway on the water tower hill, formally known as Titus Drive. Residential use is the predominate use surrounding the site. The surrounding properties are zoned residential with residential use and vacant land along with the east side abutting City limits.



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Prepared for the Public Hearing on November 16, 2022

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 and that such application shall be referred to the Planning Commission.

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.

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Prepared for the Public Hearing on November 16, 2022

PROPOSED 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.

The following findings were observed by staff:

The applicant, Coby Joseph, applied to park and occupy a travel trailer at 1010 Titus Drive. Application has been reviewed, accepted, and referred to the Planning Commission.

The application did not contain either a sketch or suitable drawing showing the location of the travel trailer on the property, nor the arrangement of the dwelling as compared to other buildings.

Coby did provide a letter on his intention for his living on the property.

The Fire Chief will require a minimum separation of 10 feet between occupied travel trailers and other structures for fire, life, and safety concerns.

Water services have been installed to the property, the City is unable to provide sewer services and the property owner will be applying for and installing a septic system.

The conditional use will have no impact on the Union School District.

There has been no positive or negative comment gathered on the subject property.

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 apply:

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 hooked to City Water 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. No single propane bottle attached to the RV shall exceed the capacity of 50 gallons.

**REPORT TO CITY OF UNION
PLANNING COMMISSION**

TO: City of Union Planning Commission

FROM: Doug Wiggins, City Administrator/Recorder/Planner

RE: Veterans of Foreign War (VFW), 518 N Main Street, Union, Oregon 97883
• Application for Variance V-22-02

PROPERTY: County Assessor's Map 04S4018CC, Tax Lot 2200
518 N. Main Street, Union, Oregon 97883

BACKGROUND

The application was filed by Edward Tibbs, VFW Representative, on October 13, 2022, for the referenced variance (V) and determined complete. All property owners lying within 300 feet of this property described herein were mailed notices October 24, 2022, notifying residents of the applications, process, and the hearing date (November 16, 2022, at 7:00 PM).

NOTICES

§ 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, 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:

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Prepared for the Public Hearing on November 18, 2020

- (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 DESCRIPTION

The applicant is requesting a V to encroach setback requirements from 1st Street and Birch Street for the installation of a covered pavillion. Current City standards require setbacks from streets to be 20 feet and applicant is asking for no setback from the street in order to install a their metal pavillion on their property. The pavillion will be mounted on the corner of the lot abutting both 1st and Birch Street. The structure is a covered metal pavillion with no sides to provide shade and a place to shelter from weather. The VFW has insited that it will be open for public use and should not constrict the site triangle at the intersection given the open sides. Please see their letter for photos and description.

Prepared for the Public Hearing on November 18, 2020



APPLICATION REQUEST

LAND USE PLAN

APPLICABLE CRITERIA AND STANDARDS

§ 155.063 GENERAL EXCEPTION TO SETBACK REQUIREMENTS.

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Architectural features such as eaves, chimneys, cornices, canopies, and sunshades which project from a structure, but are not used for storage or habitation, may project up to five feet into required setback areas.

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

§ 155.064 GENERAL EXCEPTION TO FRONT YARD REQUIREMENTS.

The front yard requirements of this chapter shall not apply where the average depth of the existing front yard on developed lots, located within the same block and zoning area and fronting on the same street as such lot, differs. The minimum specified front yard on such lot shall not be less than the average existing front yard depth on said developed lots.

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

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

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

§ 155.069 CONDITIONS FOR GRANTING A VARIANCE.

No variance shall be granted by the Planning Commission unless it can be shown that 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

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Prepared for the Public Hearing on November 18, 2020

- (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.

The applicant, Edward Tibbs (VFW Representative), has applied to impede City Street setbacks along a street frontage in Union, OR. Application has been reviewed, accepted, and referred to the Planning Commission.

The application contained a sketch or suitable drawing showing the location of the pavilion along with pictures relevant to the street.

Building construction was halted when no permit was found to be had on the structure.

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 should the Planning Commission approve the Variance, the following conditions should apply:

1. The right of way must be free and clear of artifact.
2. There should be no siding whatsoever placed on the pavilion at any time without written consent of the Planning commission.
3. At no time shall any temporary covering be placed within 20 feet of the intersection at both 1st street and Birch Street.
4. Shall the pavilion ever be replaced this variance shall expire and replacement shall be subject to another variance permit.