

## **City of Union, Oregon**

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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](http://www.cityofunion.com)

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### **CITY OF UNION OREGON PLANNING COMMISSION AGENDA**

**October 18, 2023 at 7:00pm**

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

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**1. Call to Order and Roll Call**

Commissioners:

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

**2. Minutes**

a. September - Planning Minutes

**3. Old Business**

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

**4. New Business**

- a. MNP 23-03 Mike & Janet Crow – POSTPONED
- b. CUP 23-07 Fred & Susan Hawkins

**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 20, 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 Samn Diller, Commissioner Edwin Baird, Commissioner Robert Burton, Commissioner Lani Jones, Commissioner Jocelyn Jones, Commissioner Dan Hall, Commissioner Jeff Williams, Interim City Administrator Roberta Vanderwall absent, Administration Office Clerk Krista Griffiths, and Deputy Recorder Clerk Shauna Norenberg.

The first item on tonight's agenda was the minutes from July's meeting and the corrected minutes for June's meeting. Commissioner Jocelyn Jones motioned to approve the minutes as presented. Commissioner Diller second. The minutes were approved.

There wasn't any old business. Commissioner L. Jones proposed to change the order of new business items, moving the minor partition after the first conditional use hearing. Commissioners all agreed to move the agenda item.

Under new business was a hearing for CUP 23-05 for Wendell Dueck. There wasn't any ex parte contact or bias.

The public hearing opened at 7:03 p.m.  
On the staff report, Deputy Recorder Clerk Norenberg read the staff report to the Commissioners including the staff recommendations if approved.

On applicant testimony, Wendell Dueck 915 N. Dewey Street said we bought the property with the house on it. We decided to tear down the existing house and rebuild it. Hopefully, within the next year. We would like to live on site. We are in the process of getting a building permit. The shed is still there. Commissioner Diller and the applicant discussed the proposed drawing. The temporary shed we will live in is on skids and is being modified to live in.

There wasn't any further testimony. The public hearing closed at 7:11 p.m.

After Commissioner deliberation, Commissioner Baird motioned to approve with staff recommendations. Commissioner J. Jones second. The motion passed unanimously.

The next item under new business is a hearing for a minor partition for Johnny C. and Deborah Kennon. There was not ex parte contact or bias.

The public hearing opened at 7:14 p.m.

DRC Norenberg read the staff report and a letter opposed to the minor partition for the record. She also read the staff recommendations if this is approved.

On applicant testimony, Deborah Kennon 1045 N. Fifth Street said I started this process in 2014. It was approved to not have it paved. I was told it was how it needed to be done. There will be 5 homes in there. That is their own land. It is not being used as a living area where their trailer is parked. When I had the first two lots, I had the surveyor do all 5 lots. The development part is almost done. Commissioner Burton and the applicant discuss the finishing of the road before building. There was further discussion on the road and what condition it needs to be in. Commissioner J. Jones asked if the utilities are there. The applicant answered yes.

There wasn't any further testimony. The public hearing closed at 7:27 p.m.

After Commissioner deliberation, Commissioner Diller motioned to table this hearing until information on city ordinance and the transportation plan is reviewed. Commissioner J. Jones second. The motion passed unanimously.

The last hearing under new business was another conditional use permit for Brandon Inslee. There was not ex parte contact or bias.

The public hearing opened at 7:37 p.m.

Commissioner Lani Jones asked the applicant for testimony.

Brandon Inslee said I currently live in an RV park in Elgin. We want to live in the RV on our lot. We didn't want to do that until I knew it was okay. We stopped the process of building because interest rates are too high. In the meantime, we would like to reside there and slowly develop our land. This land is part of the Kennon cul-de-sac. The public hearing closed at 7:49 p.m.

After much discussion between staff and Commissioners, Commissioner Burton motioned to table the hearing for the permit because of the location of the property being in Deborah Kennon's cul-de-sac and the need to review further information on her hearing before this hearing can be done. Commissioner Baird second.



On public comment, Deborah Kennon asked if the meeting could be moved up. DRC Norenberg answered no, because of the public notice laws. There was no further public comment.

DRC Norenberg went over the upcoming hearings for the planning commission.

This meeting adjourned at 7:57 p.m.

Approved: \_\_\_\_\_

Chairwoman, Lani Jones

Attest: \_\_\_\_\_

Interim City Administrator/Recorder, Roberta Vanderwall



**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:**

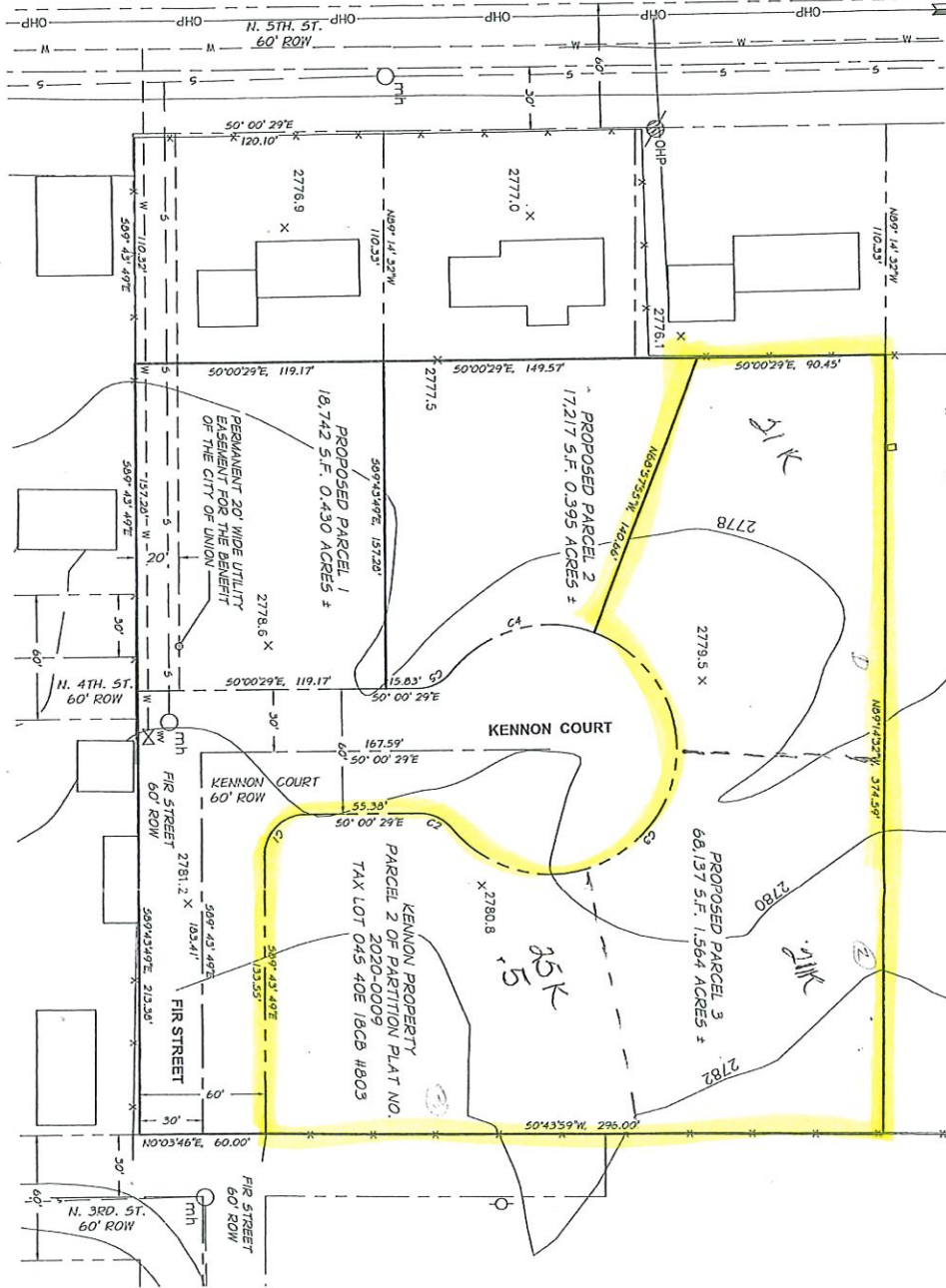
If the Planning commission approves the proposed minor partition, then the following conditions should be discussed and potentially applied:

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.)*

**TENTATIVE PARTITION PLAN**  
A PARTITION OF PARCEL 2 OF PARTITION PLAT 2020-0009 IN THE NW 1/4 OF THE SW 1/4 OF SEC. 18  
T. 4 SOUTH, R. 40 EAST W. 1/4, CITY OF UNION, UNION COUNTY, OREGON

OWNER:  
DEBORAH L. KENNON AND JOHNNY C. KENNON, JR., HUSBAND AND WIFE  
THE PROPERTY IS TAX LOT 045 40E 18C0 1803 AND CONTAINS 2.39 ACRES ±  
SURVEYOR:  
ANDERSON-PERRY & ASSOCIATES, INC.  
P.O. BOX 108509 OREGON 97150  
1415 SW 10TH AVE. SUITE 100  
(503) 923-3309 ATTN: RICHARD E. STEIN, P.L.S.



- NOTES:**
1. PROPERTY TO BE DIVIDED IS LOCATED WITHIN THE CITY OF UNION, UNION COUNTY, AND ZONED R-1, IT CONTAINS 2.39 ACRES.
  2. THIS PARCEL IS CURRENTLY USED FOR RESIDENTIAL PURPOSES.
  3. THIS PROPERTY IS INTENDED TO BE UTILIZED FOR RESIDENTIAL PURPOSES.
  4. THIS PARTITION IS LOCATED WITHIN THE BOUNDARIES OF THE UNION FIRE DISTRICT.
  5. THIS PARTITION IS LOCATED WITHIN THE BOUNDARIES OF THE UNION SCHOOL DISTRICT.
  6. THIS PROPERTY IS NOT ASSOCIATED WITH AN IRRIGATION DISTRICT.
  7. THIS PROPERTY IS LOCATED IN ZONE C, AREA WHICH IS AN AREA OF MINIMAL FLOODING, REFER TO FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 410223 0001 & EFFECTIVE ELEVATION THIS PARCEL ARE LESS THAN 6 FEET.
  8. THE EXISTING ELEVATION OF THE PARCEL ARE LESS THAN 6 FEET.
  9. DIMENSIONS OF PARCELS SHOWN ARE APPROXIMATE AND BASED ON RECORD DATA.
  10. UNDERGROUND UTILITIES SHOWN ARE BASED ON THE BEST AVAILABLE EVIDENCE, AND ARE APPROXIMATE LOCATIONS. NO UTILITY LOCATED WERE COMPLETED.

**LEGAL DESCRIPTION:**  
A PARCEL OF LAND IN THE NORTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 40 EAST, UNION COUNTY, OREGON, SAID PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
PARCEL 2 OF PARTITION PLAT 2020-0009, RECORDED SEPTEMBER 17, 2020 AS MICROPOLY NUMBER 20202112 IN PLAT COUNTY E995, E499 & E500 OF UNION COUNTY RECORDS.  
PHYSICAL ADDRESS OF THE PROPERTY IS KENNON COURT, UNION, OR 97803

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
RICHARD E. STEIN  
FEBRUARY 8, 2000  
EXPIRES: 6/30/2022  
SCALE: 1"=40'



# Kennon Court, #806

Partition

Legend  
Singletree Farm



Google Earth

100 ft





# Kennon Court, #806

Partition

Legend  
Singletree Farm





# CITY OF UNION, OREGON



City of Victorian Heritage

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P.O. Box 529  
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<http://www.cityofunion.com>

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

Home of Buffalo Peak Championship Golf Course

Monday, October 25, 2021

Johnny & Deborah Kennon  
1045 N 5<sup>th</sup> Street  
Union, OR. 97883

Ref: Minor Partition (MNP 21-01)

Mr. & Mrs. Kennon,

On, October 20, 2021, the City of Union Planning Commission met regarding your application for a minor partition (MNP 21-01). The planning commission approved your application to partition lot #803 on Map# 04s4018CB near Fir Street and Kennon Court.

The following criteria must now be met, or the partition will become null and void:

1. A final plat must be submitted to the planning office for signature by Mayor Flint and the City Administrator. You have 1 year from the date of this letter to complete.
2. Once the plat is signed by our office, you must gather all other appropriate signatures to the plat and have it recorded within 90 days.
3. The final plat must provide the following information:
  - a. Legal description of the tract boundaries.
  - b. Name of owner, subdivider, and surveyor.
  - c. Lot numbers beginning with the number 1 and consecutively numbered with any lots greater than 1 acre rounded to the nearest hundredth.
  - d. Date, scale, north point, basis of bearing, legend, controlling topography, existing features, etc.
  - e. Any public easements, if applicable, shall be noted.
  - f. An affidavit and seal of the responsible land surveyor.
4. Prior to the development of any lots within the partition, the road shall be completed to City of Union public works standards with the required infrastructure beneath.

If you have any other planning needs, please contact us here at City Hall.

Thanks,

Doug Wiggins  
City Administrator

COPY  
Mailed 10/25/21 kg

# City of Union, Ore., Inc.



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

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

## CITY OF UNION PLANNING APPLICATION

Application #: 23-02  
Received By: KG

Date Submitted: 8/17/23  
Date of Notification: 8/31/23  
Date of 1<sup>st</sup> Hearing: 9/20/23  
Date Completed: \_\_\_\_\_

### APPLICATION TYPE (Check one):

|   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Conditional Use Permit | <input checked="" type="checkbox"/> Minor Partition | <input type="checkbox"/> Street/Alley Vacate | <input type="checkbox"/> Zone Text Amendment |
| <input type="checkbox"/> Flood Zone Permit      | <input type="checkbox"/> Plan Amendment             | <input type="checkbox"/> Variance            | <input type="checkbox"/> Site Plan Review    |
| <input type="checkbox"/> Historic Design Review | <input type="checkbox"/> Property Line Adjustment   | <input type="checkbox"/> Zone Change         | <input type="checkbox"/> Major Partition     |

Other: \_\_\_\_\_ Fee Amount: \$ 300.00

Applicant: Johnny C. + Deborah L. Kannon  
Address: 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

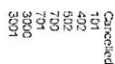
I understand that I have the burden to prove my request meets all applicable ordinance requirements and that I must address all criteria that may apply. The criteria for approving or denying my request has been furnished to me as part of this application. I understand supplemental materials and information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

DATE: 8/17/23



04S40E18CB  
UNIONUNION  
04S40E18CB

Attention: City of Union

PO Box 529

Union, OR 97883

Regarding both letters that we received for the Conditional Use Permit for 950 Kennon Court and the Proposed Land Use of further subdividing of Map 04S40E18CB, Tax Lot 806 Parcel 3, we are **opposed to** both actions.

Temporarily living in an RV while building is one thing once the permits have been applied for and accepted, however the RV is already parked on the parcel so this notice seems to be performative at best. Who is going to enforce Violations should it be allowed & the occupant overstay the conditional use? We believe it will have a negative affect on our property value and set a precedent that if allowed could potentially turn into people abusing the use and end up being a bootleg trailer park.

As to the additional splitting of parcel 3, this appears to have been done at this time/ manner to avoid the necessary improvements of paving the road and adding curbs etc. Adding three more parcels to this portion of land will increase the traffic into the subdivision significantly, since most households have an average of three cars per home. Since the road is directly adjacent to our home it has added a considerable amount of noise and loss of quiet enjoyment of our new home.

We moved here in January with the understanding, based on the survey provided to us by the title agency that only three homes would be added next door, not potentially 6 news homes!

Respectfully we request that you deny both actions.

Jack and Lisa Emory

RECEIVED

SEP 18 2023

BY: KG



## City of Union, Oregon



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342 S. Main Street  
Union, OR 97883

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*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. 5<sup>th</sup> 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 19<sup>th</sup>, 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](mailto: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





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**CITY OF UNION OREGON PLANNING COMMISSION AGENDA**

**September 20, 2023 at 7:00pm**

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

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**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.*

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Home of Buffalo Peak Championship Golf Course

Tuesday, September 26, 2023

### NOTICE OF PUBLIC LAND USE HEARING

Dear Land Owner:

**Partition (MNP)** 23-02  
**Applicant:** Johnny C. & Deborah L. Kennon  
**Location:** 1045 N. 5<sup>th</sup>, Union, OR 97883  
**Legal:** 04S40E18CB, Tax Lot: 806, Parcel 3  
**Reason:** Partition Parcel 3 into three (3) lots.

The hearing to consider the application will be held on Wednesday, September 20, 2023. **No decision was made.** A *new* Public Hearing will be held on **Wednesday, October 18, 2023, at 7:00 PM.** 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 XV, 152, Partition and Subdivision, Chapter 155, Use Zones and Notices. 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](mailto: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*

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 20<sup>th</sup>, 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





# 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 1<sup>st</sup> Hearing: 9-20-23  
Date Completed: \_\_\_\_\_

### APPLICATION TYPE (Check one):

|                                     |                        |                          |                          |                          |                     |                          |                     |
|-------------------------------------|------------------------|--------------------------|--------------------------|--------------------------|---------------------|--------------------------|---------------------|
| <input checked="" type="checkbox"/> | Conditional Use Permit | <input type="checkbox"/> | Minor Partition          | <input type="checkbox"/> | Street/Alley Vacate | <input type="checkbox"/> | Zone Text Amendment |
| <input type="checkbox"/>            | Flood Zone Permit      | <input type="checkbox"/> | Plan Amendment           | <input type="checkbox"/> | Variance            | <input type="checkbox"/> | Site Plan Review    |
| <input type="checkbox"/>            | Historic Design Review | <input type="checkbox"/> | Property Line Adjustment | <input type="checkbox"/> | Zone Change         | <input type="checkbox"/> | 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: 0454018CB 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](mailto:Brandon.inslee@gmail.com) if you have any questions or require further information.

Sincerely,

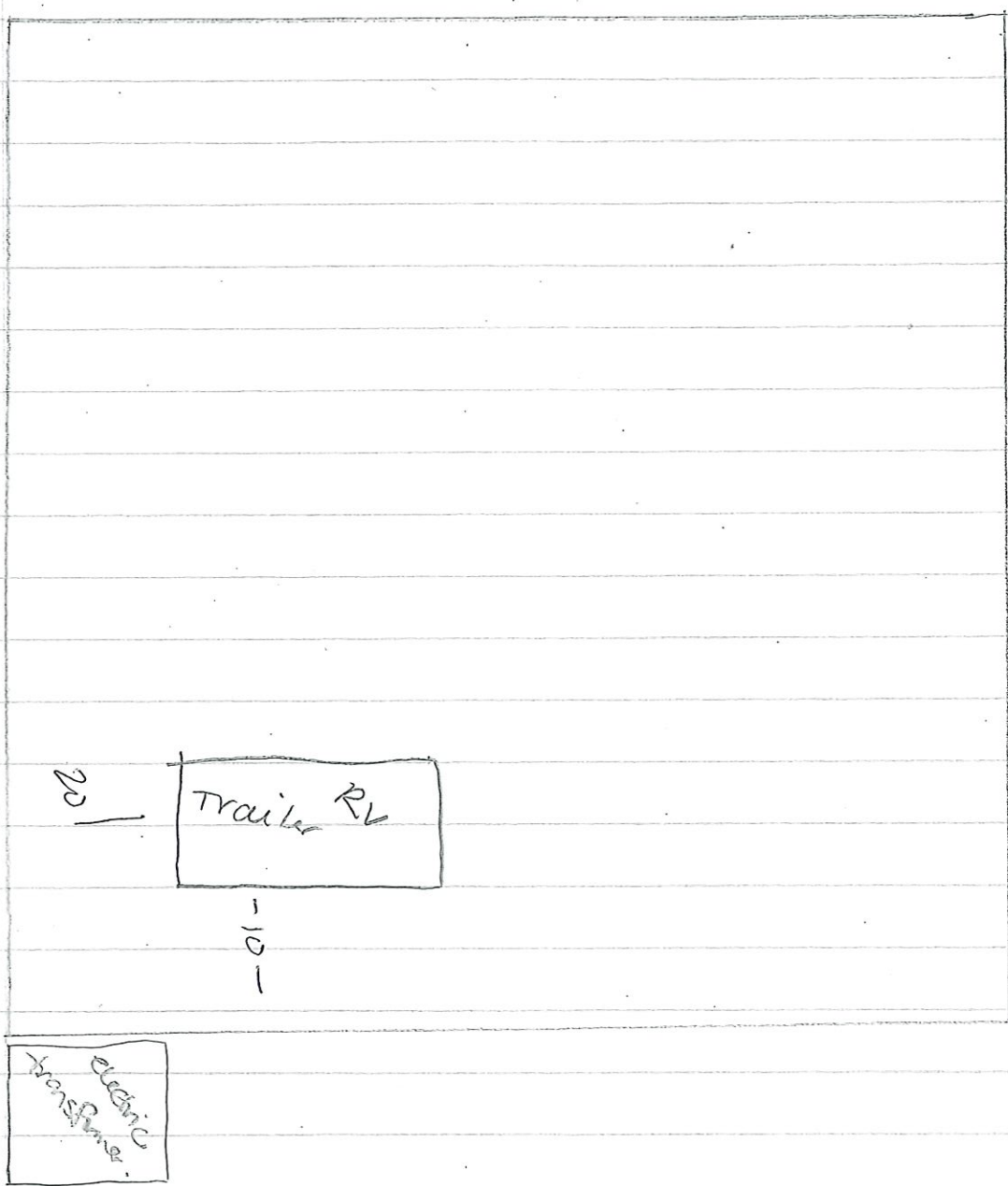
Brandon Inslee

A handwritten signature in black ink, appearing to read 'Brandon Inslee', written over a horizontal line.

Enclosure: City Planning Application

Brandon + Stephanie Inke

Kenyon Ct





**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

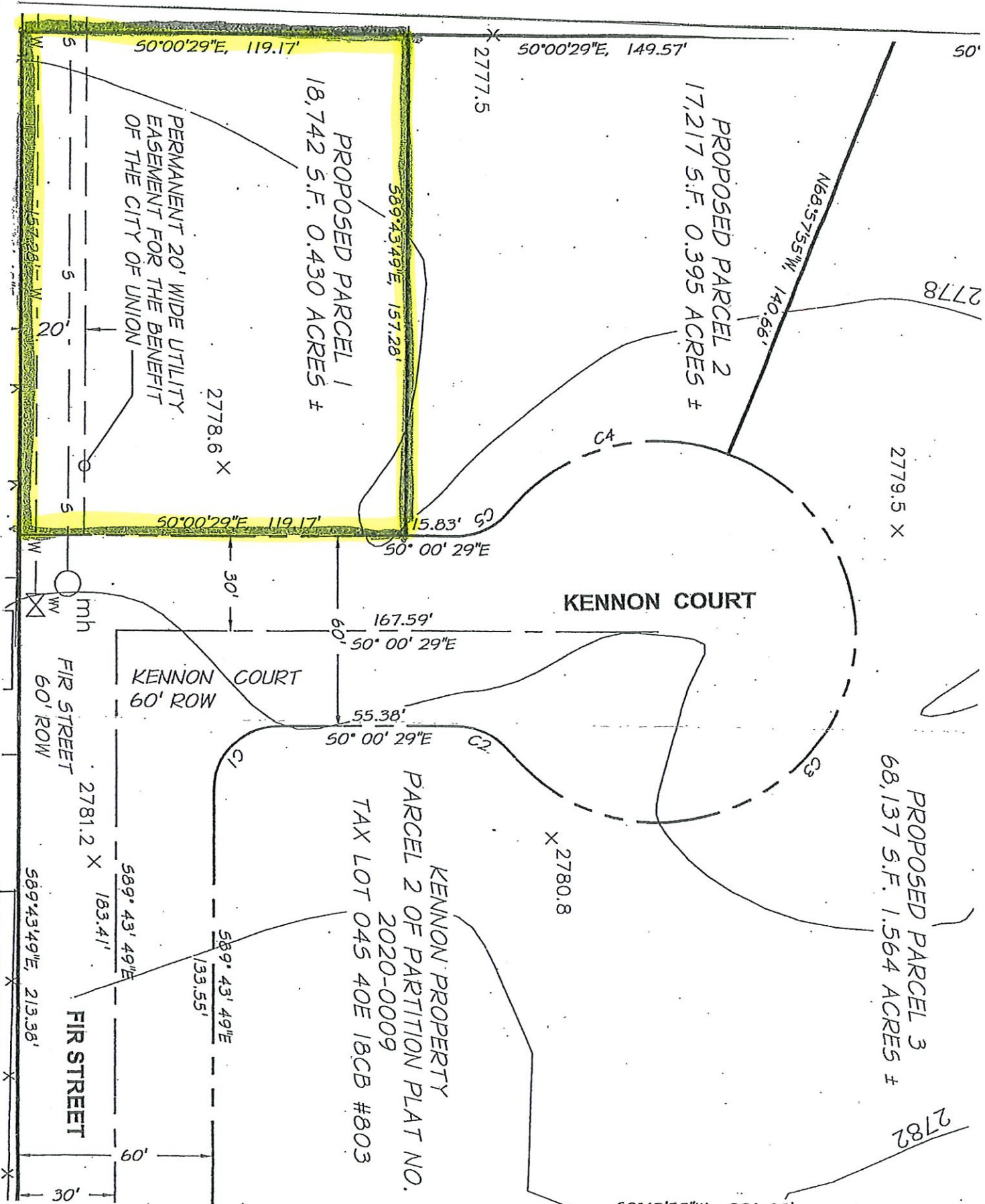
**Tract 1** contains 18,742 square feet (0.430 acres) more or less

**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  
<http://www.cityofunion.com>

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](mailto: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



---

**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.*



Attention: City of Union

PO Box 529

Union, OR 97883

Regarding both letters that we received for the Conditional Use Permit for 950 Kennon Court and the Proposed Land Use of further subdividing of Map 04S40E18CB, Tax Lot 806 Parcel 3, we are **opposed to** both actions.

Temporarily living in an RV while building is one thing once the permits have been applied for and accepted, however the RV is already parked on the parcel so this notice seems to be performative at best. Who is going to enforce Violations should it be allowed & the occupant overstay the conditional use? We believe it will have a negative affect on our property value and set a precedent that if allowed could potentially turn into people abusing the use and end up being a bootleg trailer park.

As to the additional splitting of parcel 3, this appears to have been done at this time/ manner to avoid the necessary improvements of paving the road and adding curbs etc. Adding three more parcels to this portion of land will increase the traffic into the subdivision significantly, since most households have an average of three cars per home. Since the road is directly adjacent to our home it has added a considerable amount of noise and loss of quiet enjoyment of our new home.

We moved here in January with the understanding, based on the survey provided to us by the title agency that only three homes would be added next door, not potentially 6 news homes!

Respectfully we request that you deny both actions.

Jack and Lisa Emory

RECEIVED

SEP 18 2023

BY: KG

## CITY OF UNION, OREGON



City of Victorian Heritage

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

Tuesday, September 26, 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 was held on Wednesday, September 20, 2023. *No approval was granted.* A new **Public Hearing** will be held on **Wednesday, October 18, 2023 @ 7:00 PM** 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](mailto: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: Fred and Susan Hawkins, P.O. Box 788, Union, Or 97833

- Application for Conditional Use Permit
- Application #CUP-23-07

PROPERTY: County Assessor's Map #: 04S40E19CD, Tax Lot: 200 & 300 (18061/18062)  
202 Wapiti, Union, Oregon 97883

**BACKGROUND**

Application was filed by Fred and Susan Hawkins on September 13, 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 September 29, 2023, of the application, process, and notifying the hearing date October 18, 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 October 18, 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 DESCRIPTION

The applicant is requesting a CUP to run an AirBnB. The current property is zoned Residential (R1) and is a total of .64 acres. According to County records, the residence is a 2503 Square foot three bedroom, two bath home with a 57 sq. foot covered porch.



## REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on October 18, 2023



### SITE AND VICINITY DESCRIPTION

The property is located near the corner of the intersection at Wapiti and Oregon Street. Residential homes, fields, and a church surround the site. The surrounding properties are zoned Residential (R1) and Public Facility (PF).

### APPLICATION REQUEST

The applicant is requesting Conditional Use Approval to run an AirBnB business. The business will accommodate overnight stays for travelers to or through Union.

### LAND USE PLAN

The subject property is in Residential (R1) zoned ground. Parcel 2 is .36 acres and parcel 3 is .28 Acres. 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

Ordinance No. 337:

Section 3.510 - 3.516 (Residential R1)



## REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on October 18, 2023

### Section 5.010 – 5.050 (Conditional Uses)

Under section 3.512 a conditional use is allowed in Residential zones 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 run an AirBnB 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.



## REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on October 18, 2023

- (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.*

1. Any person desiring to run a business in a Residential (R1) zone must apply for a conditional use permit through the planning commission.
  - a. Fred and Susan Hawkins have applied to run an AirBnB business out of the 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. The conditional use permit shall not expire unless the building is demolished but may be reviewed on a complaint basis.
3. The applicant will work with the City of Union to abide by noise ordinances and maintain a good neighborly standing.
4. Off-street parking must be maintained on the property.
5. 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 applicants, Fred and Susan Hawkins, have met the requirements for applying for a conditional use permit to run an AirBnB in a Residential zone at 202 Wapiti Street in Union.

## REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on October 18, 2023

### 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. There are Pros and Cons to running a business of this type in a neighborhood and residential zones.

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. Dust abatement if needed, in the dry months of the year and during heavy use times of the year will be at the owner's expense for the small portion of the gravel road entering property.
4. Additional provisions may be added by the Planning department as necessary to address specific complaints filed with the City against the property owner.



# Hawkins

202 Wapiti Way

## Legend

202 Wapiti Way

First Baptist Church of Union



Google Earth



# 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 #: 23-07

Date Submitted: 9-13-2023

Received By: KG

Date of Notification: 9-29-2023

Date of 1<sup>st</sup> Hearing: 10-18-2023

Date Completed: \_\_\_\_\_

### APPLICATION TYPE (Check one):

|                                     |                        |                          |                          |                          |                     |                          |                     |
|-------------------------------------|------------------------|--------------------------|--------------------------|--------------------------|---------------------|--------------------------|---------------------|
| <input checked="" type="checkbox"/> | Conditional Use Permit | <input type="checkbox"/> | Minor Partition          | <input type="checkbox"/> | Street/Alley Vacate | <input type="checkbox"/> | Zone Text Amendment |
| <input type="checkbox"/>            | Flood Zone Permit      | <input type="checkbox"/> | Plan Amendment           | <input type="checkbox"/> | Variance            | <input type="checkbox"/> | Site Plan Review    |
| <input type="checkbox"/>            | Historic Design Review | <input type="checkbox"/> | Property Line Adjustment | <input type="checkbox"/> | Zone Change         | <input type="checkbox"/> | Major Partition     |

Other: \_\_\_\_\_

Fee Amount: \$ 350.00

Applicant: Fred & Susan Hawkins

Address: POB 788

City: Union State: OR Zip: 97883 Phone: (541) 910-0041

Property Owner (if Different): Garrett Anker Lee

Address: 26845 Ice Harbor Dr

City: Burbank State: WA Zip: 99323 Phone: (509) 591-5103

### DEVELOPMENT REQUEST

Proposed Land Use (be specific): Conditional use permit for Air-BnB

### PROPERTY INFORMATION

- Physical Site Address: 202 Wapiti Union, OR 97883
- Map: 04540 E19 CD Tax Lot: 18061 18062 Lot Size: 125' x 230'
- Has property been surveyed? ☒ Yes ☐ No Inside urban growth boundary? ☒ Yes ☐ No
- Current zone classification? residential Existing Structures: House/shop-garage/storage container
- Existing Easements: \_\_\_\_\_
- Overlay Zones: Flood Zone? ☐ Yes ☒ No Historic District? ☐ Yes ☒ No
- Major Topographical features (stream, ditch, slope, etc.): none

### 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: Fred Hawkins

DATE: 9/13/23



September 13, 2023

Planning Commission  
City of Union  
Union, OR

RE: Conditional Use permit Application

Planning Commission,

We have entered into a purchase agreement for property located at 202 Wapiti Way, Union OR. Our intentions are to operate a Air BnB with the house located at that address.

Your consideration into granting this conditional use permit will be greatly appreciated.

Respectfully submitted.



Fred & Susan Hawkins

September 13, 2023

To Whom It May Concern at the City of Union Oregon:

I am entering into a contract of sale for the residence located at 202 Wapiti Way to

Frederick & Susan Hawkins  
1601 S Main St  
Union, OR 97883

Anticipated closing of the sale should be concluded on or before October 10, 2023. Please proceed with any proposed condition use considerations proposed by them.

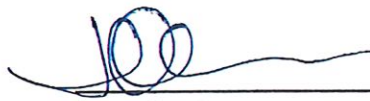
Thank you,



Garrett A Lee  
26845 Ice Harbor Dr  
Burbank WA 99323

In the County of Benton State of Washington On this 13<sup>th</sup> day of Sept 23  
before me the undersigned Notary Public personally appeared Garrett Lee personally known to me  
proved to me through documentary evidence or identified by a credible witness to be the person named in the  
foregoing and executed the same



  
Notary Signature  
Jasmine Howell  
Printed Name  
Commission Number 179388  
My Commission expires July 01 2024



ODOT Control  
Pl ties by  
Survey Nos.  
012-1992  
054-1998

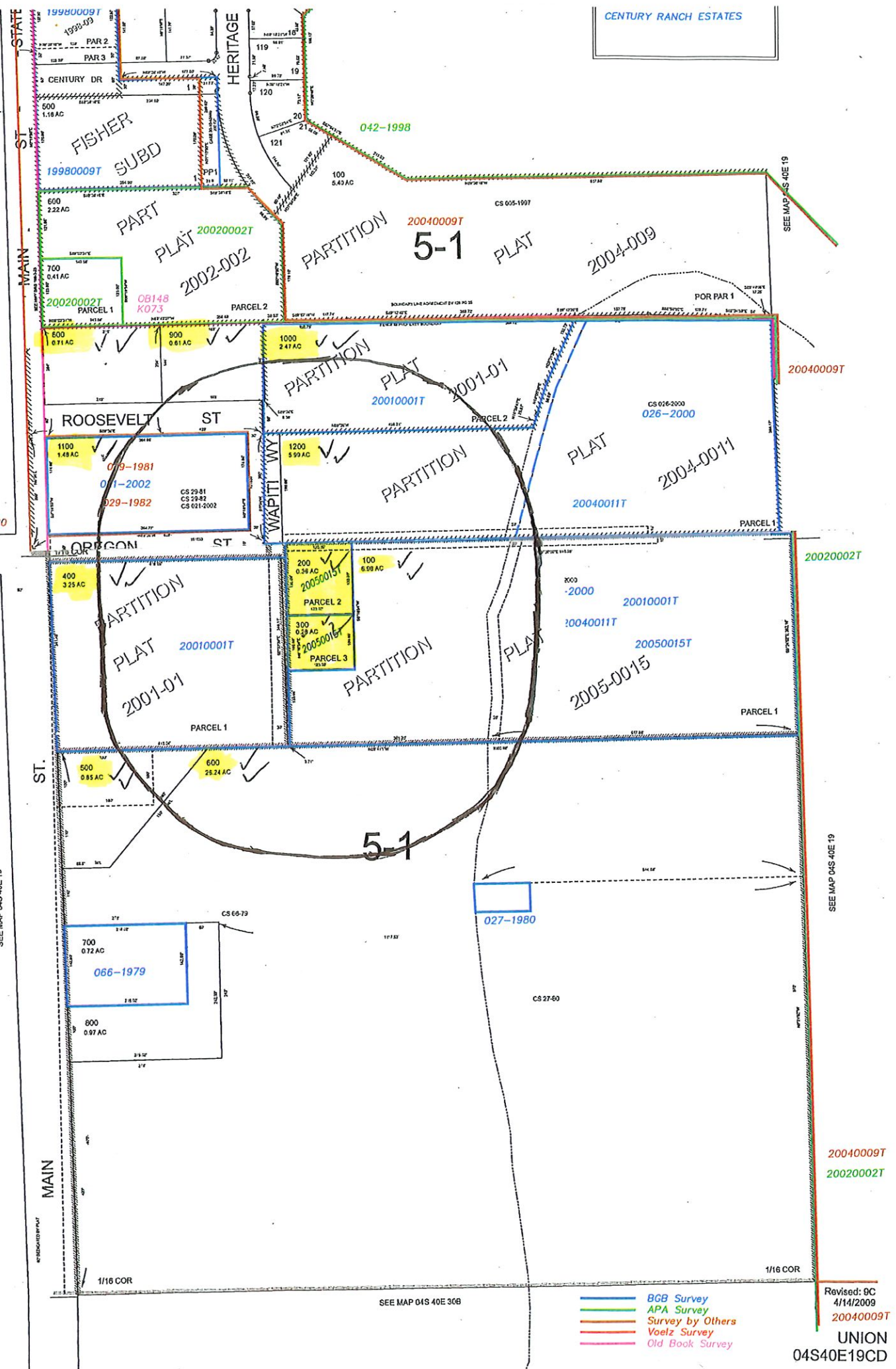
042-2020

SEE MAP 04S 40E 19CB

SEE MAP 04S 40E 19

SEE MAP 04S 40E 19

SEE MAP 04S 40E 19



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

Revised: 9C  
4/14/2009  
20040009T

UNION  
04S40E19CD

## City of Union, Oregon



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Tuesday, September 26, 2023

### NOTICE OF PUBLIC LAND USE 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.

|                              |   |
|------------------------------|---|
| <b>Applicant:</b>            | <i>Fred and Susan Hawkins</i>   |
| <b>Land Use Application:</b> | <i>Conditional Use Permit for an Air BnB</i>  |
| <b>Property Description:</b> | <i>Map 04S4019BC, Tax Lot 200/300/18061/18062, Union, OR 97883, 202 Wapiti, Union, OR 97883</i> |

The hearing to consider the application will be held on **October 18, 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 material 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.

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 questions or need more information, please contact Interim City Administrator, Roberta Vanderwall, at City Hall 541-562-5197, or fax 541-562-5196 or email [admin@cityofunion.com](mailto: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*

Roberta Vanderwall  
Interim City Administrator