

City of Union, Oregon



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

Phone: 541-562-5197
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Home to the Buffalo Peak Golf Course

CITY OF UNION OREGON PLANNING COMMISSION AGENDA

December 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. October - Planning Minutes

3. Old Business

4. New Business

a. CUP 23-08 Ryan Huston

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, October 18, 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 Jeff Williams, Commissioner Dan Hall, Commissioner Jocelyn Jones, Commissioner Lani Jones excused, Commissioner Robert Burton, Commissioner Edwin Baird, Commissioner Samn Diller excused, Interim City Administrator Roberta Vanderwall excused, Deputy Recorder Clerk Shauna Norenberg, City Attorney Paige Sully, and Administration Office Clerk Krista Griffiths.

The first item on tonight's agenda was the minutes from the September meeting. Commissioner Burton motioned to approve the minutes as presented. Commissioner Baird second. The motion passed unanimously.

The next item on the agenda was old business. The public hearing for minor partition 23-02 was opened at 7:01 p.m.

Deputy Recorder Clerk Norenberg read the staff report with staff recommendations. She also announced that the city attorney was attending to help with the hearings.

Paige Sully the city attorney said that matter was resolved in that hearing and the standards were set out in the Commissioners ruling. That is a binding condition of the minor partition. The road must be built to city standards.

Commissioners asked questions which staff answered. They asked for the October 20, 2021, meeting recording to be played. Everyone watched and listened to the recording of the past planning meeting.

On applicant testimony, Deborah Kennon said under your law the road has been built to city standards with crushed gravel. It does not require paving. When I discussed this with Doug Wiggins in 2019 or 2020 this was the most cost-effective way to go about this because the city cannot handle more storm drains.

Under testimony in favor, Leonard Flint said I happen to be adjacent to the property I remember the conversations, the only way to increase tax base is to build more homes. I can see the advantages to this. I was using the place on Hickory as a reference which is gravel. The minimum use per the ordinance is a gravel road. The first time I heard about paving was when this application was

turned down when the word paving was used. In the recording the word paving was never used. I think there is a little bit of understanding issues. I think this is why she did not appeal the word paving. I am a firm believer in our ordinance but on a marginally traveled road why would it need to be paved. We shouldn't add or delete from the ordinances.

Krista Griffiths said it was brought to our attention that marginal access is considered a right of way.

Then on applicant rebuttal Deborah Kennon said when we started this whole process 10 years ago, I asked Doug for his help and how to do this. I didn't want to put in all five lots of the water and sewer hookup. I have done everything right. I hired the right people. I only needed to build a road with gravel, that was my understanding. I wouldn't have gone forth with the knowledge that I had to pave it. The city has been extremely helpful with this process. This was during COVID, and we didn't know if we would get all the parts needed on time.

The public hearing closed at 7:36 p.m.

After Commissioner deliberation, Commissioner Williams motioned to approve the minor partition with staff recommendations and the road is at minimum to be chip sealed. Commissioner Hall second, the motion passed unanimously.

The next item under old business was conditional use permit 23-06.

The public hearing opened at 7:59 p.m.

Deputy Recorder Clerk Norenberg read the staff report and recommendations.

On applicant testimony, Brandon Inslee 255 Cedar Elgin said we didn't have any holds on this land. I have a purchase agreement and construction papers for a bid. I also have approval for a loan. We are planning to build. We aren't living on the land yet. The manufactured home is on the lot.

On testimony in favor, Barbara Doern 512 N. Third said I have known Brandon for a long time. This will not turn into a trailer park like the letter in opposition states. I am in favor of this.

Rose Veenhuizen 1033 N. Fifth said we are their neighbors to the south. We will be happy to be their neighbors. I am in favor of this.

Deputy Recorder Clerk Norenberg updated the city attorney Paige Sully on the hearing and asked for her opinion. Paige Sully said I have to say no, if this were a

different use it would be different. I don't believe you could allow this to a property with no lawful access.

The public hearing closed at 8:14 p.m.

After Commissioner deliberation, Commissioner Williams motioned to refund his application fee and deny the conditional use permit because the city attorney recommended to deny because the road is not paved on Kennon Court.

Commissioner Baird second. The motion passed with three yes votes and a no vote from Commissioner Burton.

The next item was under new business for conditional use permit 23-07. The public hearing opened at 8:18 p.m.

Deputy Recorder Clerk Norenberg read the staff report and staff recommendations.

On applicant testimony Fred Hawkins 1601 S. Main said we live immediately adjacent to the property. We decided to purchase this property and the closing should happen this week. There are only 3 other Air BnB's in town. We do take care of the dust abatement. There seems to be some confusion about the zoning. Commissioners discussed dust abatement and property history with the applicant.

The public hearing closed at 8:25 p.m.

After Commissioner deliberation, Commissioner Hall motioned to approve with staff recommendation. Commissioner Burton second. The motion passed unanimously.

Deputy Recorder Clerk Norenberg announced the upcoming meeting for November for a minor partition.

There was not any further public comment.

This meeting adjourned at 8:27 p.m.

Approved: _____

Chairwoman, Lani Jones

Attest: _____

Interim City Administrator/Recorder, Roberta Vanderwall

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CITY OF UNION PLANNING APPLICATION

Application #: 23-08
Received By: Krista

Date Submitted: 11-6-2023
Date of Notification: 11-30-2023
Date of 1st Hearing: 12-20-2023
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: Ryan Houston

Address: No address yet

City: Union State: OR Zip: 97883 Phone: 541-962-5053

Property Owner (if Different): to Ryan Houston

Address: 1050 N 5th St

City: Union State: OR Zip: 97883 Phone: 541-962-5053

DEVELOPMENT REQUEST

Proposed Land Use {be specific}: See attached letter

PROPERTY INFORMATION

- Physical Site Address: _____
- Map: 0754018-CD-0444 Tax Lot: 4404 Lot Size: .21 acres
- Has property been surveyed? ☐ Yes ☐ No Inside urban growth boundary? ☒ Yes ☐ No
- Current zone classification? UN-C2 Existing Structures: no
- Existing Easements: _____
- Overlay Zones: Flood Zone? ☒ Yes ☐ No Historic District? ☐ Yes ☒ No
- Major Topographical features (stream, ditch, slope, etc.): Stream

STATEMENT OF UNDERSTANDING

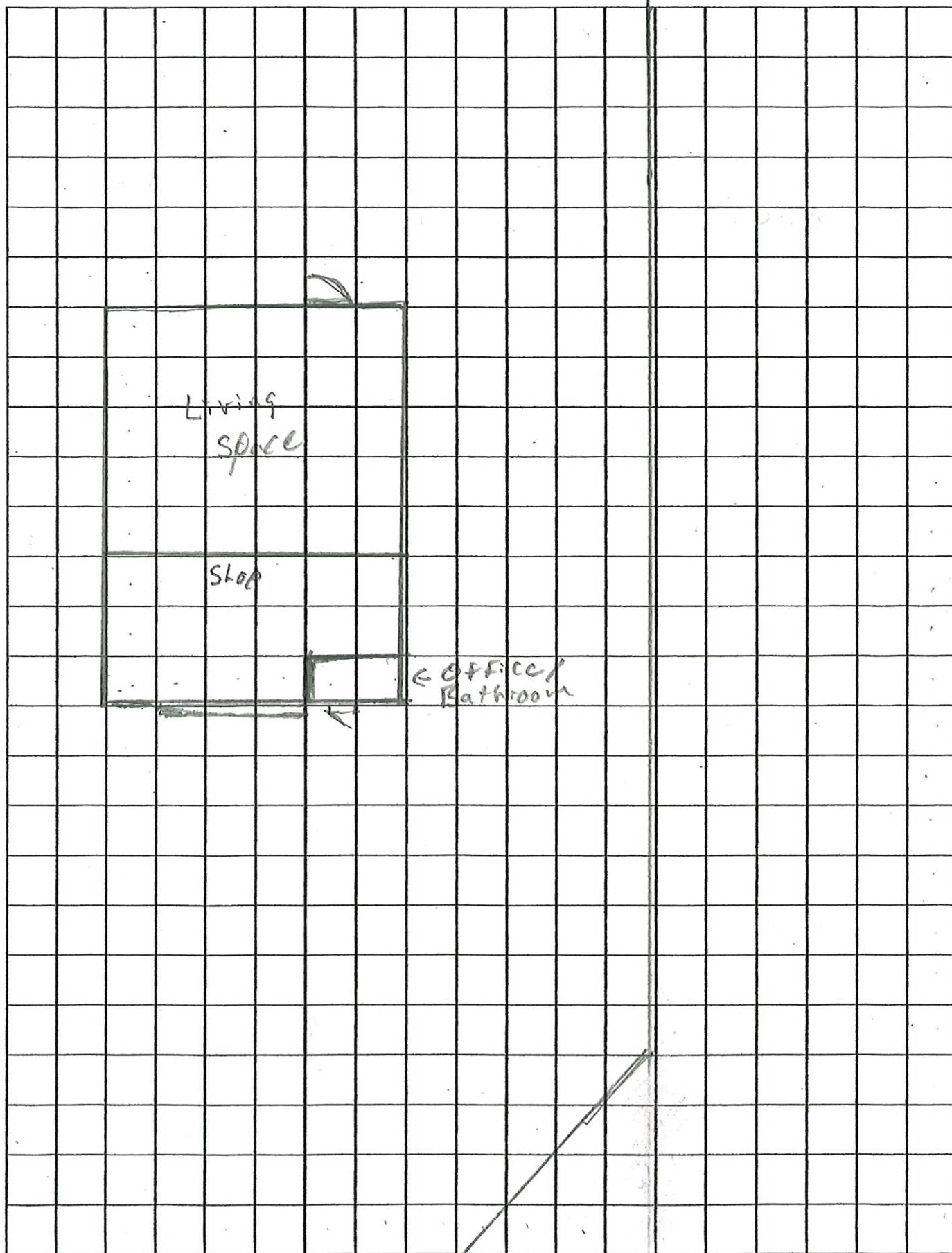
I understand that I have the burden to prove my request meets all applicable ordinance requirements and that I must address all criteria that may apply. The criteria for approving or denying my request has been furnished to me as part of this application. I understand supplemental materials and information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

DATE: 11-6-2023

□ = 5 ft.



Bellwood

Arch St

November 5, 2023

City of Union-Planning Committee

342 S Main Street

Union OR 97883

Dear Planning Committee,

I am respectfully submitting this letter of intent to build an 1200 square foot shop, 400 square feet shop space and 800 square feet living space. This will be located on my commercial property at the corner of Bellwood and Arch (map-04S4018-CD-04404).

I intend to start a small business offering small engine repair year-round. I also plan to sell fireworks on this property from June 22nd through July 6th. In addition, I plan to operate a food truck from April through October on this property.

The 400 square foot shop will include an office, bathroom and workspace. The shop will also include 800 square feet of living space.

Thank you for your consideration.

Respectfully,

Ryan J. Huston

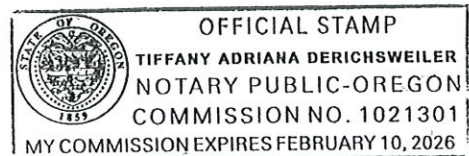
A handwritten signature in black ink, appearing to read "Ryan Huston", written in a cursive style.

November 28 , 2023

We, Monte Z. Phoenix and Karrie P. Phoenix have sold our lot on the corner of Arch and Belwood in Union, OR to Ryan Huston for cash and have filed the appropriate paperwork with the county.

Monte Z Phoenix 11-28-23
Karrie P Phoenix 11-28-23

Tiffany Derichswiler
11-28-2023



RECEIVED

NOV 28 2023

BY: KG



Wednesday, November 15, 2023

NOTICE OF PROPOSED LAND USE ACTION 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:

Conditional Use Permit: 23-08
Applicant: Ryan Huston, 1050 N. 5th Street, Union, Oregon
Land Use Application: Conditional Use permit to live in a commercial building on Commercial property.
Property Description: Union County Assessor's Map 04S4018CD, Tax Lot 4400.

The hearing to consider the application will be held on **December 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 is found in Zoning Ordinance 337, Sections 3: Use Zone, Section 5: Conditional Use, and Section 7: Notices. A copy of the application and all evidence relied upon by the applicant are available for inspection at no cost during City Hall business hours. The staff report will be available for inspection at City Hall, at no cost, one week prior to the meeting. Copies of all materials will be available at cost.

Testimony for or against the proposed land use action may be presented orally at the planning commission hearing, or by written statement presented to City Hall Staff by **December 7th, 2023**. Testimony and evidence must be directed toward the criteria above, or to criteria in the Zoning Ordinance and/or Land Use Plan that you believe would apply to the decision.

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

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

Sincerely,

Roberta Vanderwall
Interim City Administrator

**REPORT TO CITY OF UNION
PLANNING COMMISSION**

TO: City of Union Planning Commission

FROM: Roberta Vanderwall, City Administrator/Recorder/Planner

RE: Ryan Huston, 1050 N. 5th Street, Union, OR. 97883

- Application for Conditional Use Permit CUP-23-08
 - To allow family to live in a Commercial building

PROPERTY: County Assessor's Map 04S 40E 18CD, Tax Lot 4404
NW Corner of Bellwood and Arch, Union, Or 97883

BACKGROUND

Application was filed by Ryan Huston on November 6, 2021, for the referenced conditional use permit (CUP). The application was determined complete by staff. All property owners lying within 300 feet of this property described herein were mailed notices November 30, 2023, notifying residents of the applications, process, and the hearing date (December 20, 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 December 20, 2023

§ 155.142 CONTENT OF NOTICES.

Notices to property owners shall:

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

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

PROPOSAL DESCRIPTION

The applicant is requesting a CUP to live in a commercial building, which can be approved through a CUP in a Commercial Zone (C-1). This property is zoned Commercial (C-1). The lot is approximately .21 Acres.

SITE AND VICINITY DESCRIPTION

The property is located on a commercial lot in a Commercial Zone surrounded by commercial properties.

REPORT TO CITY OF UNION PLANNING COMMISSION
Prepared for the Public Hearing on December 20, 2023

APPLICATION REQUEST

The applicant is requesting CUP approval to be allowed to live in and occupy a portion of a commercial building on a lot in a General Commercial (C-1) zone. One end of the building will be used as a residence while the other end will be a commercial business.

LAND USE PLAN

The subject property is zoned General Commercial (C-1). One and two-family dwelling units are allowed with a Conditional Use permit within the provisions of City Ordinance Title XV 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 Commercial (C-1) zoned property:

§ 155.085 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USE.

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

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

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

REPORT TO CITY OF UNION PLANNING COMMISSION

Prepared for the Public Hearing on December 20, 2023

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, Ryan Huston, has applied to live and occupy a commercial building on the NW corner of Bellwood and Arch Street in Union, OR. Application has been reviewed, accepted, and referred to the Planning Commission.
- The application contains a sketch showing the location of the commercial building on the commercial lot.
- The Fire Chief will require a minimum separation of 10 feet between the occupied commercial building and other structures for fire, life, and safety concerns.
- Setbacks from other buildings and property lines shall adhere to City of Union codes and building rules.
- As of the writing of this staff report, no comments have come forward on the proposal.

STAFF RECOMMENDATION

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

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

1. The commercial building/residence shall be connected to City Water and Sewer and pay appropriately for a monthly service. (Property will be billed for 1 REU's).
2. All electrical hookups shall meet standards set forth with the most current electrical code.
3. Provide plat map showing setbacks and location of commercial building
4. Off street parking must be maintained on the property.

REPORT TO CITY OF UNION PLANNING COMMISSION
Prepared for the Public Hearing on December 20, 2023

5. Provide a Statement of Operation as to the business in the commercial zone.

04S40E18CD, Tax lot 4404

Ryan Huston

Legend

Ryan Huston

E Arch St

Google Earth

100 ft



04S40E18CD
UNION

Cancelled

1001
2405
2601

2601
2602
2611
2616

2692
2693
2801
2803

3400
3200
3000
2800

3600
4401
4403

34

1

[illegible]

Subdivisions
This Page

CATHERINE CREEK
CATHERINE CREEK

McCULLY'S ADDITION
SWACKHAMER'S AD

SWACKHAMER'S SEC

BGB Survey

APA Survey
Survey by
Vaalz Survey

Old Book S

Revised: M&

REVISED: 10/06/2020

UNION
01040E18C

04S40E100D
