



128 S Main St.
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**CITY OF CONDON
WORK SESSION AGENDA
PLANNING COMMISSION 8-17-2021
Tuesday, August 17, 2021, 5:30 PM
CONDON CITY HALL**

1. ZOOM LINK & LOCATION

1.1. Join Zoom Meeting

<https://us02web.zoom.us/j/82770186245?pwd=R3JXU3hlTVFiVk1XNHpySTERd001QT09>

Meeting ID: 827 7018 6245

Passcode: 569726

2. Call the Meeting to Order & Roll Call

3. Review & Approve the July 20, 2021 Planning Commission Meeting Minutes

3.1. July 20, 2021 Planning Commission Meeting Minutes

4. Discuss and Review Zoning Ordinances

4.1. Discuss and Review Accessory Building Codes

4.2. Discuss and Review Short-term Rentals in Residential

5. Other

5.1. Approve Street Names - Wilson Lane and D Street (formerly Jew Street)

5.2. Miscellaneous Planning Issues

6. Adjourn

Work Session agenda distributed August 11, 2021



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WORK SESSION AGENDA
PLANNING COMMISSION
Tuesday, July 20, 2021, 5:30 PM
CONDON CITY HALL**

1. Zoom Link & Location

1.1. In-Person & Zoom Meeting

Meeting ID: 878 0582 8146
Passcode: 536062
One tap mobile
+12532158782,,87805828146# US (Tacoma)
+13462487799,,87805828146# US (Houston)

2. Call the Meeting to Order

Chair Commissioner Vernon Grey called the meeting to order at 5:32 p.m.

Present: Planning Commissioners Vernon Grey, Cody Bettencourt & Haylee Potter; Staff - City Administrator Kathryn Greiner & Planner Kirk Fatland.

Absent: Planning Commissioner Derek Hiser and Rachel Weinstein.

3. Consent Agenda

3.1. Review & Approve the June 15, 2021 Planning Commission Meeting Minutes

A motion was made by Commissioner Potter to approve the June 15 Planning Commission meeting. The motion was seconded by Commissioner Bettencourt and approved unanimously.

4. Discuss & Review Zoning Ordinance



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4.1. Review Planner Kirk Fatland Zoning Information

Fatland narrowed the focus of the review and revision of the Residential 1 (R-1) zoning ordinance to discuss just the single family home requirements. The previous meeting included R-1 with duplexes and permitted uses for all zones. Fatland noted in a letter that the major adjustments would be to garage door options, outdoor area and required design features.

First item of discussion was the setbacks of the residence from street right-of-way (ROW) or property line with neighbors. Discussion was that the setback from the street ROW from 15' from any eave, porch, to 10' from non-enclosed structures such as stairs, decks or porches that may encroach 5' into the required setback area. Commissioner Grey asked if this included carport, which Fatland stated that it is part of this new regulation and that it is regulated differently than a garage. Commissioner Bettencourt noted that if it cannot be enclosed or it becomes part of the home and is bound by the 15' setback. Another change is that the side yard on a corner lot can have a 10' setback, down from 15'. Rear yard and side yard that does not face a street will continue to have a 5' setback from property line.

Discussed the lot area for different types of housing - single resident, duplexes, triplexes and fourplexes and decided that the minimum lot size to build for all residential housing would be 5,000 square feet. It was consensus that if a person has to meet the prescribed setbacks, they may need larger than a 5,000 square foot lot. But if they built it up they could meet the setbacks in the smaller lot. The current code specifies that duplexes must have minimum 7,500 square feet, triplexes 8,500 square feet and fourplexes at 9,500 square feet. Next meeting the Planning Commission will work on the multi-plex housing as a permitted use and what the requirements may be under that code. Currently they are required to file a Conditional Use Permit.

Parking regulations are currently requiring two spots on the lot, but after discussion it was determined that they could have two parking spots, but they both could be street parking if providing a map for vehicles with a curb not in front of a parking apron.

Garage doors were discussed with Fatland proposing that garage doors must be subordinate to the primary street-facing facade to minimize visual impacts and encourage pedestrian orientations. He suggested selecting one of the three following options: 1) front facing garage door is limited width that may not exceed 50% of the face of the home; 2) garage door must be set back at least 5 feet from primary facade; and 3) side or rear facing garage doors that may be oriented to the side street. It was determined that that setback of a garage should be 4 instead of 5 feet from the primary facade.

Discussion was held regarding the wall facing the front street where there is a requirement of having the front door. Discussed that the front side of the home facing the street must be no less than 15% of the area of each primary street-facing facade must be windows or a main entrance door. Windows in the garage doors do not count toward the 15%. It was discussed that one house design of garage on the first level and residence on the second level may allow 80% of the width of primary street facing facade is allowable as long as there is a residence above that meets the 15% requirement.

Fatland stated that he took out the design features that are now listed in the code as he didn't want to limit creativity of design. CA Greiner expressed concern of corrugated metal boxes that would look like shops and pole buildings. Discussion ensued to look at limiting that material to a certain percentage of the design on the primary front street facing residence.

Discussion was held about requiring a back door to the design requirements, with the consensus of adding two doors on two separate walls - can be on a side wall to a side yard.

Fatland included some outdoor area requirements, but Commissioner Grey stated that he did not want them in the code. After further discussion they took those requirements out of the draft.

The last items was discussing accessory buildings. Discussed is you were going to allow an accessory building to be up against the residence or to retain a prescribed distance between residence and accessory building. Consensus to require 5' between the buildings as if they were to abut the buildings it would be seen as an addition. The setback of 5' on side yard and back 5' back from the front street facing facade of the residence.

Accessory dwelling units will be discussed at the next meeting with options of living quarters and that they must be smaller than the main residence. Discussion also touched on cottage clusters, duplexes that are not connected and potential planning



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5. Other

5.1. Discuss & Recommend Dirt Road Name Jefferson to Highway 19

CA Greiner stated that she actually had two roads that may be considered for a new name. The first is the dirt road from Highway 19 to Jefferson Street that is currently a construction easement that allows public use but is not maintained. Mark and DaiLene Wilson purchased property along that easement and want to build a home. The city's attorney suggested that the landowners along that easement sign over a deed dedication for the 50' that is currently the easement and to provide is with a name. The Wilsons submitted a letter and suggested Wilson Way or Wilson Lane. Consensus of the Planning Commissioners was to allow Wilson Lane and forward that suggestion to the City Council.

CA Greiner also said that she had a complaint of Jew Street that is off of Walnut Street/Highway 206, is one block long with one address. She stated that she has had several complaints over the years and now is maybe the time to rename it. Consensus of the Planning Commission was to name it D Street. Commissioner Grey suggested that the owner of the property be compensated for having to change all records associated with it. CA Greiner said that she would talk to the Council about this issue. This suggestion will be taken to the City Council in August.

5.2. Other Planning Issues

6. Adjourn

Chair Commissioner Grey adjourned the meeting at 6:57 p.m.



TENNESON

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August 12, 2021

City Planning Commission
City of Condon
128 South Main Street
Condon, Oregon 97823

Regarding: Accessory Dwelling Units

Dear Commissioners,

Attached is a draft ordinance addressing accessory dwelling units (ADUs). A few items to note:

1. I have separated attached and detached accessory dwellings for clarity. Though this initially seemed unnecessary to me, I have found in other cities that this language is easier for some to digest.
2. An updated definition of “dwelling unit” is included at the bottom of the draft. The purpose of this is to clarify the distinction between an attached ADU and someone simply renting out additional space in their home. This language is similar to that used in the City of Salem. Under this definition – if someone decides to rent out their basement it would not become a separate dwelling unless the interior connection between the two areas were removed. This allows more flexibility for property owners to rent portions of their homes, it also keeps the City away from counting sinks, toilets, stoves etc. to determine what a dwelling unit is.
3. Tiny homes on wheels are not addressed in this draft. These currently fall under the category of RVs and continue to be allowed only where RVs are allowed in Condon. Though mobile tiny homes may be another useful tool to address the housing shortage, they tend to muddle the discussion and can be addressed separately.

Also attached are draft provisions for oversized accessory structures. Several months ago, this idea was discussed to manage the requests that will surely come in for variances to the accessory structure size restrictions. Essentially, we discussed that larger accessory structures might be allowed if they meet additional design criteria. This is a sparse draft that will require discussion and fleshing out. I believe this could be effective, however the City may want to stick with the size requirements that have been set out (and slightly increased) and require anything larger to come before the commission as a variance.

Finally, a draft short-term rental ordinance is also included - just in case we have extra time! Key items to note:

1. Two different situations are considered short-term rentals in this draft.
 - a. Hosted rentals must be owner occupied and register with the City but are otherwise unrestricted. This language would require an adjustment to the City’s definition of “bed and breakfast”, or the definition could be eliminated and wrapped under the hosted rental definition.



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- b. Unhosted rentals do not require the owner to be onsite and are limited to 90 nights per calendar year. This is the point that will generate the most discussion, as cities across the state are limiting the number of these types of rentals using a wide variety of metrics. The City can of course continue to leave STRs unregulated, some language acknowledging them will be useful in that case also.

I am looking forward to another productive meeting and discussion. As always, feel free to reach out with any questions in the meantime.

Sincerely,

Kirk T. Fatland

Kirk Fatland

<wo#15786>

Accessory Dwellings – Supplementary Provisions

Accessory dwellings, where allowed, are subject to review and approval through an administrative review and shall conform to all of the following standards:

One Unit. *A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*

A. Floor Area.

1. A Detached Accessory Dwelling shall not exceed 900 square feet of floor area or 75 percent of the primary dwelling's total floor area, whichever is smaller. When the accessory structure has another use (e.g., garage), this criterion only applies the floor area of the structure used as a dwelling.
2. An Attached Accessory Dwelling shall not exceed 900 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 900 square feet.

B. Other Development Standards Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity;
2. No off-street parking is required for an Accessory Dwelling;

Definitions *(This should be included in the "definitions" section of the zoning ordinance.*

Detached Accessory Dwelling Unit – A detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling. (e.g., "granny flat", or converted detached garage)

Attached Accessory Dwelling Unit – An interior or attached dwelling unit that is used in connection with, or that is accessory to, a single-family dwelling. (e.g., converted basement, attic, or attached garage.)

Dwelling unit - A single independent unit providing complete living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. For the purposes of this definition, "independent" means the dwelling unit:

- (a) Is detached from any other dwelling unit or is separated from any other dwelling unit by an approved fire separation as required under the Building Code;
- (b) Includes a kitchen area with a sink and an approved electrical service connection for a stove or range; and
- (c) Does not have a direct interior connection to any other dwelling unit, but may have fire-separated access to a common facility shared with any other dwelling unit

Oversized Accessory Structures – Supplementary Provisions

Oversized Accessory Structures, where allowed, are subject to review and approval through an administrative review shall conform to all of the following standards:

One Unit. *A maximum of one Oversized Accessory Structure is allowed per legal single-family dwelling.*

A. Size & Placement Requirements.

1. An oversized accessory structure shall not exceed 20 feet in height, or 100 percent of the primary dwelling's floor area, whichever is smaller.
2. Shall be located behind the primary dwelling.

B. Required Design Features. Each oversized accessory structure shall be provided with

1. 15 percent of each wall being composed of windows and/or doors (garage doors and windows in garage doors do not count towards this criterion.)
2. Siding shall not consist of more than 50% corrugated metal.

C. Other Development Standards. Oversized accessory structures shall meet all other development standards (e.g., setbacks, etc.) for accessory structures in the zoning district. In addition:

1. Conversion of an existing legal non-conforming Oversized Accessory Structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity;

Definition (This should be included in the “definitions” section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

Oversized Accessory Structure– Accessory structure exceeding 80% of the height of the primary dwelling or 16 feet, whichever is higher.

Short-Term Rentals – Supplementary Provisions

Short-Term Rentals are permitted in the R1-1 Zone upon completion of the necessary application.

A. General Requirements

The following general requirements shall apply to all short-term rentals:

- 1) License. A short-term rental license shall be obtained by the operator prior to any rental of the property (applies to both hosted and unhosted rentals.)
- 2) Length of Stay. The length of stay for guests is limited to 45 consecutive days.
- 3) Signs. All signage shall conform to the zone district in which the short-term rental is located.

B. Hosted Rentals

- 1) A hosted rental occurs when the owner of the unit is present during a guest's stay.
- 2) Hosted rentals are not limited to a number of days, only to the owner-occupied unit. (For example, the owner of a duplex can live in one bedroom and rent any spare bedrooms but cannot rent the other duplex unit as a hosted rental.)

C. Unhosted Rentals

- 1) Unhosted rentals occur when you are not present in your unit during a guest's stay.
- 2) Registered hosts may only conduct unhosted short-term rentals for up to 90 nights per calendar year.

D. Transient Tax

- 1) Each facility shall be subject to payment of the transient room tax per the provisions of Title XI, Chapter 112.
- 2) Prior to the annual renewal of a license, the operator must provide the department proof of the past year's paid transient tax. Failure to submit proof of past payment will result in the denial of the current license; however, an operator can apply for re-licensing upon proof of payment of any delinquent transient room taxes.

E. Health and Safety

- 1) Operator's Responsibilities. It is the operator's responsibility to ensure that the facility remains in compliance with all provisions of this and other City Codes, with Oregon State Health, Safety, Building, and Fire Codes, and Tourist Facilities requirements in the Oregon Revised Statutes.
- 2) Safety. Prior to the issuance of a license, a completed safety checklist shall be required.

Definition (This should be included in the "definitions" section of the zoning ordinance)

Short-Term Rental (STR) – means the renting of a dwelling unit including any accessory guest house on the same property to any person(s) on a day to day basis for a period of time up to 30 consecutive nights.