



128 S Main St.
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**CITY OF CONDON
WORK SESSION AGENDA
PLANNING COMMISSION FEBRUARY 15 2022
Tuesday, February 15, 2022, 5:30 PM
CONDON CITY HALL**

1. Location & Zoom Link

- 1.1. <https://us02web.zoom.us/j/85614724918?pwd=ODJQP0U0L2lVdVVLc1FJZnZSZ2k3QT09>

Meeting ID: 856 1472 4918

Passcode: 012737

One tap mobile

+16699006833,,85614724918#,,,,*012737# US (San Jose)

+12532158782,,85614724918#,,,,*012737# US (Tacoma)

2. Call the Meeting to Order & Roll Call

3. Consent Agenda

- 3.1. Review & Approve December 21, 2021 Minutes

4. Review & Approve Zoning Ordinance Changes

- 4.1. Final Draft of Zoning Ordinance

5. Other

6. Adjourn

Work Session agenda distributed February 9, 2022



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City of Condon Regular Council Meeting Minutes Tuesday, December 21, 2021 5:30 PM

1. CALL REGULAR MEETING TO ORDER

Planning Commissioner chair Vernon Grey called the meeting to order at 5 p.m.

2. ROLL CALL

Present: Commissioners Vernon Grey, Haylee Potter, Cody Bettencourt, Derek Hiser (zoom) and Rachel Weinstein (zoom); City Administrator Kathryn Greiner, City Planner Kirk Fatland.

Absent: None

3. ADDITIONS TO AGENDA

None.

4. REVIEW & APPROVE THE NOVEMBER 23, 2021 PLANNING COMMISSION MEETING MINUTES

4.1. November 23, 2021 Minutes

A motion was made by Commissioner Bettencourt to approve the November 23, 2021 Planning Commission meeting minutes. The motion was seconded by Commissioner Potter and approved unanimously.

5. DISCUSSION ZONING CHANGES

5.1. Letter & Draft Changes - Planner Kirk Fatland

Planner Fatland presented the Commission the draft of the changes to the Residential Zone that has been discussed over the last six months. He had highlighted the additions in yellow and had struck through some of the definitions that were removed. Fatland responded that it is something that currently exists that does not conform to the current code and it doesn't increase the issue of non-conformity. An example he gave is that a residence does not meet the current setbacks, but it may have been built prior to codes and is also known as "grandfathering" in. CA grainer asked about definition of "apartments" when they are not allowed, with Fatland pointing out that it has been added as a Conditional Use Permit (CUP). He asked that the definitions be discussed at the end of the zoning discussion. Commissioner Grey asked about the discussion of several of the items about non-nonconforming use allowed.

Fatland first pointed out the changes to the the code allowing duplexes, triplexes and fourplexes, Accessory Dwelling Units (ADU), townhomes meeting requirements and short term rentals as defined. These have all been discussed previously and were not revisited. This took the multi-family units off the CUP as long as they meet the other requirements of residences. As noted, Apartments were added to CUP. Front and side yard setbacks were changed by five feet and lot requirements from multi-family housing were deleted. He will double check the corner lot requirements to determine if they still meet the site view requirements. These units may now go at minimum lot sizes of 5,000 square feet as long as they meet the setbacks.

Fatland noted that the Parking Regulations were changed as previously discussed as a mix between old and new. A lengthy discussion was held regarding the "Garage Door Orientation" and determined another point may need to be added to allow for two-story homes to determine the frontage number to determine how the garage is situated. This discussion also dug back into the condensed design features of "entry orientation" of the front door. Commissioner Hiser stated that the Commission had discussed all of these and he was fine with how Fatland had written them up. Commissioner Bettencourt stated that if we find that some of these do not work well for the City to administer, they can be changed in the future.



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Fatland went over the changes to Accessory Structures and a discussion was held about containers and allow these structures to have a flat roof. It was discussed to add working on the size and design to add to the "peaked roof" some wording to allow a flat roof if it has a similar roof line to the primary residence.

Fatland read through the Supplementary Provision that included multi-family housing (duplex, tri-plex & four-plex), ADUs and townhomes. No changes were made to the provisions.

Fatland went through the definitions with the Commissioners with no changes. Commissioner Grey asked about calculations of determining the height of buildings which Fatland will look into this issue.

6. NEXT REGULAR MEETING DATE

6.1. The next regular Condon Planning Commission meeting is Tuesday, January 18, 2021, 5:30 p.m.

7. ADJOURN REGULAR MEETING

Chair Commissioner Grey adjourned the meeting at 6:49 p.m.

Jim Hassing, Mayor

ATTEST: _____ Date _____
Kathryn Greiner City Administrator



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February 8, 2022

Planning Commission
City of Condon
128 S. Main Street
Condon, OR 97823

Regarding: Updated Draft R-1 Ordinance

Dear Commissioners,

Attached to this letter is an updated version of the ordinance you have been shaping for the past several months. Much of the content will look very familiar, though I have tried to clean up a few items and remove errors. The main adjustments are within the section addressing accessory structures and are listed below.

1. Over the past year we have discussed the difficulties of allowing ADUs above garages but limiting the height to 16 feet. In the attached draft I have included the simplest resolution to this potential conundrum, by simply raising the maximum to 20 feet. A secondary option would be to allow accessory structure to exceed 16 feet (up to a set maximum) only if the structure conforms to all design criteria applying to dwellings (15% windows etc.) Finally, it would be possible to leave the height limit for accessory structures at 16 feet but specify in the section addressing ADUs that ADUs may be constructed up to 20 feet. This would be accompanied by a statement that this section overrides any conflicting requirements of the accessory structure section (including the 16-foot height limit.)
2. At a recent meeting, the Commission expressed interest in restricting the design of shipping containers used as accessory structures. It was decided that they should be required to feature a similar roofline as the primary structure. A representative from DLCD commented that this would not be acceptable to the departments as it is not a "clear and objective" standard. Again, I have tried included a simple (though imperfect) standard to ensure the Residential Zone does not take on an Industrial feel by limiting storage containers as accessory structure to one per lot. Though additional design criteria could be added, it seems incongruous that a windowless box of any color would be permitted under this ordinance, but if the box were metal and formerly used as a shipping container it would be held to a higher standard.

As always, I look forward to discussing the proposed draft with you. Please reach out with any questions or thoughts you may have on this draft.

Sincerely,

Kirk T. Fatland

Kirk Fatland

CHAPTER 152: ZONING REGULATIONS

' 152.103 DEFINITIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. As used in this chapter, the singular includes the plural and the masculine includes the feminine and neuter; the word may is discretionary, the word shall is mandatory.

ACCESSORY DWELLING – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

~~***APARTMENT.***~~ A building (or portion thereof) consisting of separate living units designed for occupancy by three or more families living independently of each other.

APARTMENT. A building containing five or more dwelling units.

~~***DUPLEX.***~~ A building containing two dwelling units, each dwelling unit is designed for occupancy by a single family.

DUPLEX – Two dwelling units on a lot or parcel in any configuration (detached or attached). In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU.

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

FOURPLEX - Means four dwelling units on a lot or parcel in any configuration.

SHORT-TERM RENTAL – Dwelling units rented for a period of less than 30 days, subject to the City of Condon Transient Lodging Tax.

TOWNHOME - A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s).

TRIPLEX - Means three dwelling units on a lot or parcel in any configuration.

LAND USE ZONES

' 152.301 RESIDENTIAL ZONE - R-1.

USES . Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the R-1 Residential Zone shall comply with the following regulations. One single-family dwelling per lot, or parcel, is the maximum allowed density unless otherwise specified by this chapter.

(1) *PERMITTED USES.*

(A) Single-family dwellings, including manufactured homes meeting the requirements of ' 152.406.

(B) Duplexes, triplexes, and fourplexes meeting the requirement of ' 152.415.

(C) Accessory Dwelling Units meeting the requirements of ' 152.416.

(D) Townhomes meeting the requirements of ' 152.417.

(E) Short term rentals as defined.

(F) Public parks, public recreation areas and publicly owned community or neighborhood centers.

(G) Accessory uses or structures conforming with the requirements of ' 152.301(8) customarily incidental to the above uses. Detached accessory buildings shall not be located within the required setback areas of less than 10 feet from the main building. Accessory uses are those which are clearly incidental and subordinate to the primary use of the main building.

(H) Name plates and signs. One non-illuminated name plate, not to exceed four square feet in area, placed flat against the building, for each dwelling containing a home occupation. One temporary non-illuminated sign not to exceed eight square feet in area appertaining to the lease, rental, or sale of a building or premises upon which it is located. One bulletin board, not to exceed 24 square feet in area for each church, public library, neighborhood or community center. See ' 152.410.

(I) Residential homes.

(J) Home occupation Type I.

(2) *CONDITIONAL USES.* Permitted with approval of the Planning Commission in accordance with ' 152.501.

(A) Churches.

(B) Public buildings, schools and libraries.

(C) Lodge for civic or fraternal organization carrying on no commercial activity.

(D) Home occupation Type II.

~~(E) Duplexes, two unit dwellings, triplexes, and fourplexes.~~

(F) Necessary public utilities and public services with safeguards against non-compatibility to adjacent or abutting residential property as required by the Planning Commission.

(G) Mobile home parks.

(H) Bed and Breakfast facilities meeting the provisions of ' 152.407.

(I) Boarding house.

(J) Residential facilities.

(K) Child care center.

(L) Temporary use for construction with a one-year time limit, or once an occupancy permit is granted for the constructed structure.

(M) Apartments.

(3) *HEIGHT.* Buildings, structures, or portions thereof shall not be erected to exceed a height of 22 stories or 35 feet. Accessory buildings shall not exceed 14 feet in height.

(4) *SETBACK AND AREA REQUIREMENTS.*

(A) Setbacks. The following setbacks apply to both primary and accessory structures.

1. Front Yard, Setback. There shall be a front yard of not less than 15 feet in depth. **Unenclosed structures such as stairs, decks, or porches may encroach up to five feet into the required setback.**
2. Side Yard, Setback. There shall be a side yard on each side of the main building and each side yard shall have a width of not less than five feet. A corner lot shall have **10 15** feet of side yard setback.
3. Rear Yard, Setback. There shall be a rear yard of not less than five feet in depth.

(B) Area Requirements.

1. Lot Area. Every lot shall have a minimum average width of not less than 50 feet and an area of not less than 5,000 square feet.

Duplexes	7,500 square feet
Triplexes	8,500 square feet
Fourplexes	9,500 square feet

(5) *PARKING REGULATIONS.* One parking space shall be provided for each dwelling unit. If provided off-street, a driveway apron, as defined shall be provided.

~~(A) Dwellings. Two parking spaces shall be provided on the lot for each dwelling unit. A driveway apron, as defined shall be provided.~~

(A) On Street Credit. On street parking spaces meeting the following criteria shall be counted toward the minimum parking requirement above.

1. The space must be a minimum of 22 feet long,
2. The space must be abutting the subject site; and
3. The space must not obstruct a required sight distance area.

4. Garage Door Orientation. All garage doors must be subordinate to the primary dwelling's street facing façade. Select at least one of the following options:

- a) Front-facing garage door with limited width. Front-facing garage door(s) extending a maximum of fifty percent of the street facing façade width or 12 feet, whichever is greater.
- b) Garage door set back from primary façade. Front-facing garage door(s) set back at least four feet from the street facing façade.
- c) Side or rear facing garage door. Garage door(s) oriented to a side street or alley.

(B) Uses other than Dwellings. See Supplemental Provisions ' 152.411.

(6) *SANITATION REGULATIONS.* Before any dwelling is occupied, it must be connected to the city sewer system.

~~(7) DESIGN FEATURES. One or two family dwellings and manufactured homes shall be provided with at least two of the following design features.~~

(A) Entry Orientation. The main entrance for each dwelling unit must:

1. Be within eight (8) feet of the street-facing façade and
2. Either:
 - i. Face the street; or
 - ii. Open onto a porch with at least one entrance facing the street.

(B) A minimum of 15 percent of the area of each street-facing façade must be windows or a main entrance door. Windows in garage doors do not count toward meeting this standard.

~~(A) Dormers.~~

~~(B) Recessed entries.~~

~~(C) Cupolas.~~

~~(D) Bay or bow windows.~~

~~(E) Attached garage.~~

- ~~(F) Window shutters.~~
- ~~(G) A roof with a pitch greater than nominal 3/12.~~
- ~~(H) Offsets on building face or roof (minimum 12").~~
- ~~(I) Gables.~~
- ~~(J) Covered porch entry.~~
- ~~(K) Pillars or posts.~~
- ~~(L) Eaves (minimum 6").~~
- ~~(M) Tile or shake roof.~~
- ~~(N) Horizontal lap siding.~~

(8) ACCESSORY STRUCTURES OR USES.. Accessory uses or structures larger than ~~120~~ **200** square feet must meet all of the following requirements:

(A) Setbacks.

- 1. Accessory structures shall not be located within the required setbacks and;**
- 2. Must be located a minimum of five feet behind the street-facing façade of the primary dwelling.**

(B) Size and Design.

- 1. Have a maximum height of 20 feet.**

(C) Shipping containers as accessory structures.

- 1. A maximum of one (1) shipping container as defined will be allowed per residential lot or parcel.**
- 2. Stacking of shipping containers is prohibited.**

(D) Accessory Dwelling Units. See Section ' 152.416

~~(A) Have a peaked roof.~~

~~(B) If manufactured off site:~~

1. The manufacture date shall not be more than three years prior to date of placement, and

2. If purchased used, the seller must certify the unit has not been previously used for the manufacture, storage or transportation of hazardous wastes.

(Ord. 01-05, passed 6-6-01; Am. Ord. 2012-01, passed 12-7-11)

SUPPLEMENTARY PROVISIONS

' 152.415 DUPLEXES, TRIPLEXES, AND FOURPLEXES. Duplexes, triplexes, and fourplexes are permitted outright on lots or parcels zoned for residential use that allow for the development of detached single-family dwellings. Duplexes are subject to the same approval process as that for detached single family dwellings in the same zone and are subject to the following standards.

(1) Design Standards.

(A) New duplexes, triplexes, and fourplexes shall meet all required design standards (e.g., window coverage, etc.) that apply to detached single family dwellings in the same zone, unless those standards conflict with this code.

(B) Entry Orientation. The main entrance for each dwelling unit must:

- i. Face the street; or
- ii. Open onto a porch with at least one entrance facing the street; or
- iii. For detached units: if separated from the street by another dwelling, the main entrance may face a common space adjacent to the street.

(C) Development Standards. Duplexes shall meet all other development standards (e.g., height, setbacks, parking, etc.) for single-family dwellings in R-1 Zone, additionally;

- i. Conversion of an existing, conforming or legal non-conforming single-family dwelling to a duplex is allowed, provided that the conversion does not increase the non-conformity.

' 152.416 ACCESSORY DWELLING UNITS. 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).

(1) Floor area.

(A) 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 larger. When the accessory structure has another use (e.g., garage), this criterion only applies the floor area of the structure used as a dwelling.

(B) 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 greater. 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.

(2) 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:

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

' 152.417 TOWNHOMES. Townhomes are permitted outright on lots or parcels zoned for residential use that allow for the development of detached single-family dwellings. Townhomes are subject to the same approval process as those for detached single family dwellings in the same zone and are subject to the following standards.

(1) Design Standards.

(A) New townhomes shall meet all required design standards (e.g., window coverage, etc.) that apply to detached single family dwellings in the same zone, unless those standards conflict with this code.

(2) Development Standards. Townhomes shall meet all other development standards (e.g., height, setbacks, parking, etc.) for single-family dwellings in the zone in which it is placed, additionally;

(A) Conversion of an existing, conforming or legal non-conforming single-family dwelling to a townhome is allowed, provided that the conversion does not increase the non-conformity.

(B) Side yard setback requirements are not required where the development abuts an adjacent townhome unit.