



128 S Main St.
PO Box 445
Condon, OR 97823
P: 541-384-2711
F: 541-384-2700
<http://cityofcondon.com/>

**AGENDA
PLANNING COMMISSION MEETING
128 S. MAIN STREET, CONDON, OR 97823
TUESDAY, AUGUST 15, 2023, 5:30 PM**

<https://us02web.zoom.us/j/82425016578?pwd=ZlczSmIrbVRzK0dVMGJLclZzTlFFUT09>

1. **CALL THE MEETING TO ORDER/ROLL CALL**
2. **PUBLIC HEARING - Larry & Jackie Hardie/Land Key Properties, LLC - Application #643 - Variance**
 - 2.1. **Open Hearing**
 - 2.2. **Staff Report - Read and/or Summarized**
 - 2.3. **Applicants & Proponents Testimony**
 - 2.4. **Opponents & Public Agency Testimony**
 - 2.5. **Questions by Planning Commissioners to Applicant or Proponents**
 - 2.6. **Close Hearing**
 - 2.7. **Planning Commission Deliberation, Decision or Postpone**
3. **REVIEW & APPROVE MINUTES**
 - 3.1. **Review & Approve the July 18, 2023 Planning Commission Meeting Minutes**
4. **OTHER**
 - 4.1. **City of Condon Withdraws Conditional Use Permit Application to Move City Shop**
5. **ADJOURN**

If necessary, Executive Session may be held in accordance with ORS 192.660(2)() As this is a regular meeting of the Condon City Council, other matters may be addressed as deemed appropriate by the Council. Assisted listening device is available for persons with impaired hearing and should be scheduled for council meetings three working days prior to the Council meeting. The City of Condon is an Equal Opportunity Provider and Employer. Complaints of discrimination should be sent to City of Condon Administrator, PO Box 445, Condon, OR 97823.

Agenda prepared and distributed August 9, 2023



August 09, 2023

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

RE: Hardie Variance - Staff Report

Report Prepared By:	Kirk Fatland, Contract Planner
Applicant:	Larry and Jackie Hardie on behalf of Land Key Properties, LLC
Procedure Type:	Quasi-Judicial
Decision Date:	August 15, 2023
Legal Description:	Lot 9 and the northern 22' of Lot 8 and southern 20' of Lot 9 of Block 49 of the Condon & Cornish 2 nd Addition to the City of Condon.
Comprehensive Plan Designation:	Commercial
Zoning District:	C-1, Commercial

Request and Background Information: The application under consideration is a variance to the front and side yard setback requirements of the R-1 Zone for the change of use of an existing building from commercial to residential. The subject property is located at 122 N. Oregon Street and is within the Commercial (C-1) Zone. Residential uses are allowed within the C-1 Zone providing that all residential setbacks are met. The applicants request a variance to this standard, allowing the building to remain 2' from the southern property line as opposed to the required 5' and 11' from the front property line instead of 15'.

Notice: The requisite notices were mailed to adjacent property owners and published in the Times-Journal.

Comments Received: No public comments were received by the writing of this report.

Recommendation: Planning Staff recommends approval based upon the following findings of fact.

' 152.303 COMMERCIAL ZONE - C-1.

USES. Buildings and structures hereafter erected, structurally altered, enlarged or moved or land hereafter used in the C-1 Commercial Zone shall comply with the following regulations.

(1) *PERMITTED USES. Subject to site plan review. See ' 152.412.*

(F) *All uses permitted in the Residential Zone, provided that dwellings and mobile homes observe the side area and yard requirements of the Residential Zone.*

FINDING: The applicant intends to change the use of the existing commercial structure to a single-family residence. A variance has been requested as the existing structure does not comply with the yard requirements of the Residential Zone. The relevant variance criteria are addressed below.

(2) *HEIGHT. Buildings, structures, or portions thereto, shall not be erected to exceed a height of three stories or 35 feet, whichever is less.*

FINDING: The existing structure is a single-story commercial structure; the height will not be increased as a result of the proposal.

(3) *PARKING REGULATIONS.*

(A) *Residential Off-Street Parking. For residential uses, one parking space for each dwelling unit.*

FINDING: There is sufficient space adjacent to the existing structure to accommodate one parking space.

' 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 singlefamily dwelling per lot, or parcel, is the maximum allowed density unless otherwise specified by this chapter.

(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.*

FINDING: The submitted site plan indicates a front yard setback area of 11'. The applicant requests a variance to this standard.

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 feet of side yard setback.*

FINDING: The applicant indicates a 2' side yard setback between the existing structure and the adjacent property line. A variance is requested to this standard.

3. *Rear Yard, Setback. There shall be a rear yard of not less than five feet in depth.*

FINDING: The setback between the rear property line and the existing building is indicated to be 24' 6" in compliance with this criterion.

' 152.606 CIRCUMSTANCES FOR GRANTING A VARIANCE.

A variance may be granted only in the event that all of the following circumstances exist:

(1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this chapter have had no control.

FINDING: The particular lot size and location of the existing building on the lot create an exceptional circumstance applying to this property. The building proposed to be converted to a single-family home has been located on the subject site for many years and does not meet the side and front yard setback requirements.

(2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.

FINDING: The applicant intends to convert an existing commercial structure to residential use. The building was constructed prior to the enactment of the Zoning Ordinance and is unable to comply with the setback requirements as it is currently located on the lot. The requested variance is necessary for the possibility of residential use as allowed in the Commercial Zone.

(3) The variance would not be materially detrimental to the purposes of this chapter, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.

FINDING: Staff do not believe the proposed variance to be detrimental to the purpose of this Ordinance as the Variance would allow the applicant to reuse a currently vacant building. Generally, the proposal complies with the Zoning Ordinance, however the specific nature of the subject site is unable to conform to front and side yard setback requirements.

(4) The variance requested is the minimum variance which would alleviate the hardship. (Ord. 01-05, passed 6-6-01)

FINDING: The request is a minimum variance as the applicants intend to utilize the existing building without modifications increasing the nonconformity.



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 Email: admin@cityofcondon.com

City of Condon Development Permit Application

CITY OF CONDON
 Community Development Department
 128 S. Main Street
 P. O. Box 445
 Condon, OR 97823

Date Issued _____
 Building Permit Log # _____

TYPE OF LAND USE ACTION OR DECISION	
<input type="checkbox"/> Building Permit	<input type="checkbox"/> Variance
<input type="checkbox"/> Comprehensive Plan/Zoning Map Amendment	<input type="checkbox"/> Conditional Use Permit
	<input type="checkbox"/> Site Plan Review
	<input type="checkbox"/> Other

APPLICANT

Name Larry + Jackie Hardie
Hand Key Properties, LLC
 Address 201 W 2nd St
Condon Or 97823
 Telephone # 541-384-4182
 E-mail jackie.hardie.jhd@gmail.com

LEGAL OWNER (If Different than Applicant)

Name _____
 Address _____
 Telephone # _____

PROPERTY INFORMATION

Address 122 N Oregon St Condon Or 97823
 Map & Tax Lot 5600 and 5602 and 5800
 Zone District/Overlay 49

Oregon State Highway access

If yes, property owner must obtain appropriate Permits from Oregon Dept. of Transportation.

GENERAL INFORMATION

Describe current use of the property Converted From Office to Apartment

Describe how proposal will change use of property From Office to Residential

**INFORMATION REQUIRED FOR
Development Permit Application Review**

1 and 2 family residential development: *Scaled plot plan indicating property boundaries, setbacks, building location(s) with orientation(s), garage/carport/parking location and surface material Height of structures, street address, utility locations if known, and other information as required by Ordinance.*

Multi-family, Conditional Use, Commercial or Industrial Development: *Detailed site plan, utilities, drainage, off street parking, landscaping, building footprints, outside lighting, proposed signs, and other information as required by Ordinance.*

Other: Small apartment or office

Garry Hardie 7-23-2023
Signature of Applicant Date

Jackie Hardie 7/23/2023
Signature of Property Owner* Date

*Notarized Owner Consent Letter may substitute for signature of property owner

STAFF REVIEW:

ZONE DISTRICT: _____ GEOHAZARD ZONE: _____

HISTORIC DISTRICT/STRUCTURE:

FLOOD DESIGNATION: _____

PREVIOUS PLANNING ACTIONS: _____

ARE THERE EROSION CONTROL ISSUES? ACCESS ISSUES? DOES THE PROPERTY HAVE ALL UTILITIES AND PUBLIC IMPROVEMENTS SUCH AS SIDEWALKS, SEWER AND WATER? ARE THERE ANY OTHER ITEMS THAT NEED ATTENTION?

DATE OF THE SITE VISIT: _____ PLANNER: _____

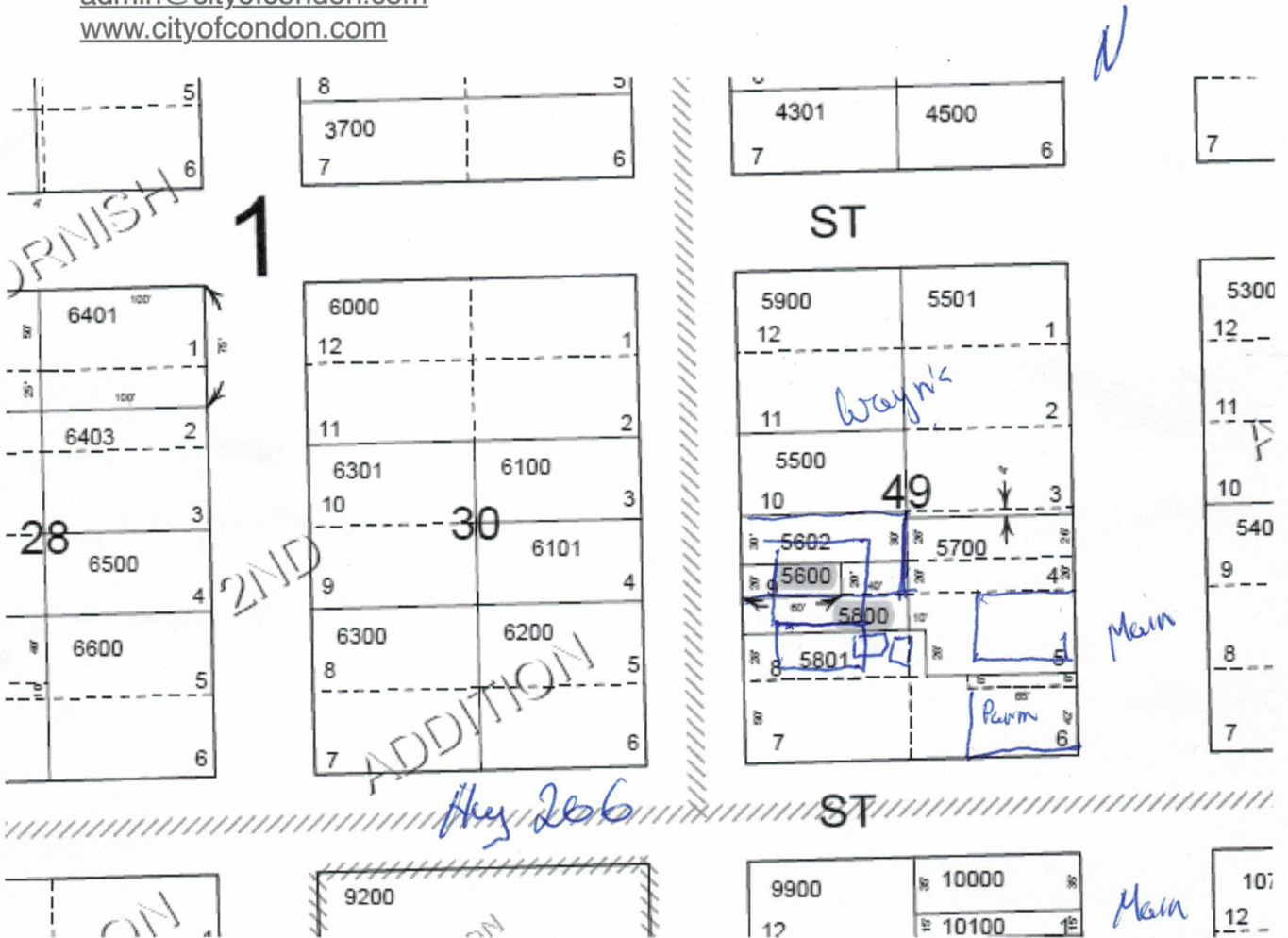
PLANNING APPROVAL: _____

PUBLIC WORKS APPROVAL: _____

office. Remind me of what they need to do? I also suggested that we go through the process and take that particular building out of the Historic District. It was put in as an after thought by one couple that got the Historic District going and since they are using it as a residential rental, it might be a good time to start that process too.

I can send an application to Jackie to get it going but their renter will be in that building before we can take it through a planning commission hearing in August.

Kathryn Greiner
 City Administrator
 541-384-2711
admin@cityofcondon.com
www.cityofcondon.com



Title-XV-Land-Usage.pdf

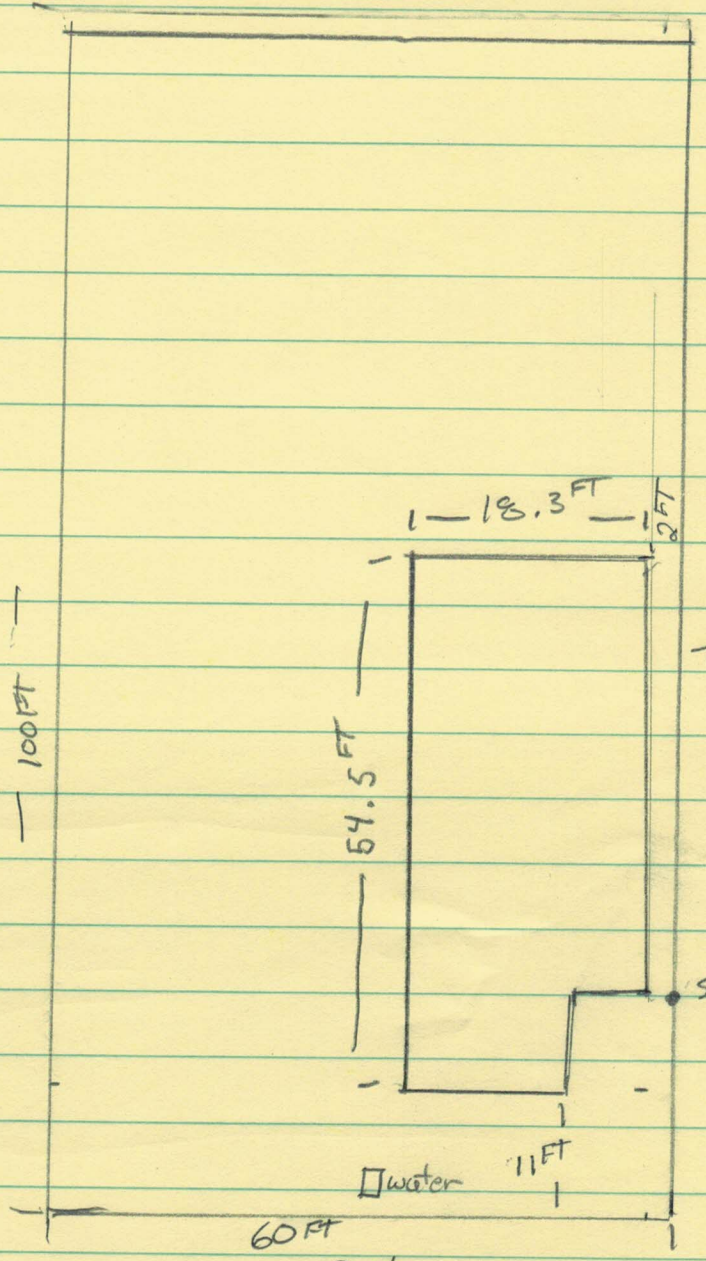


Development-Permit-...20.pdf

McKinney

Larry + Jackie Hardie
Plot Plan
V Grey Building

Wayn



Troy

sewer

water

60 FT

City

11 FT

54.5 FT

18.3 FT

2 FT

100 FT



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**MINUTES
PLANNING COMMISSION MEETING
128 S. MAIN STREET, CONDON, OR 97823
TUESDAY, JULY 18, 2023, 5:30 PM**

1. CALL THE MEETING TO ORDER/ROLL CALL

Planning Commission Chair Cody Bettencourt called the meeting to order at 5:33 p.m.

Present: Commissioners Cody Bettencourt, Mark Wilson, Vernon Grey and Rachel Weinstein (zoom); Staff - City Administrator Kathryn Greiner and City planner Kirk Fatland (zoom).

Absent: Commissioner Haylee Potter

2. PUBLIC HEARING - City Application #632 - City Shop Revision Site Plan/CUP

2.1. Open Hearing

Chair Bettencourt opened the hearing at 5:33 p.m.

She asked the planning commissioners if they had a conflict of interest or ex parte contact with the city or any of the witnesses. Commissioner Wilson stated that he had a discussion with Donna McIntosh and Roger Andrews the previous day. No other commissioner had ex parte contact or a conflict of interest in this issue. Chair Bettencourt asked if the audience would like to challenge any of the commissioners to hear the application with none saying they had an issue.

Chair Bettencourt, when through the rules of the hearing, stated that if an issue was not heard it could not be used to appeal the decision.

2.2. Staff Report - Read and/or Summarized

Planner Fatland summarized the staff report saying that the applicant (city) only asked to change the location of the city storage shop by a change of 20-40 feet. The building does not require any setbacks but it has been set back 15 feet from the property line at Jefferson and Matney Streets. He explained that Matney Street is a platted but undeveloped street. CA Greiner stated that the reason for the move from the approved location was that it would require approximately 145 loads of gravel and compaction at that location due to elevation changes.

2.3. Applicants & Proponents Testimony

No other information was given by city.

2.4. Opponents & Public Agency Testimony

Tara McIntosh - 703 S. McKinley Street, Condon - stated that she opposed the plans to move the city's shop to the proposed location due to it blocking the view from her residence. She stated that she did not want her grandmother, who lives with her to have to look at the shop. She stated that she wanted to collaborate with the city on the location, but stated that in the current location it would create more traffic, impact her and neighbor's view and views was not the best for her family.

Donna McIntosh - 703 S. McKinley Street, Condon - stated that she agreed with what her daughter Tara had stated.

Roger Andrews - 807 S. Jefferson, Condon - stated that he didn't think the building would block the neighbor's view.

2.5. Questions by Planning Commissioners to Applicant or Proponents

None

2.6. Close Hearing

Chair Bettencourt closed the hearing at 5:45 p.m.

2.7. Planning Commission Deliberation, Decision or Postpone

Commissioner Wilson stated that he recognized the challenge of the first location but that since the building did not produce revenue for the city, nor add value by placing it there, the city should keep it in its original location or put it near the current city shop. He added that it affects the value of the property located near this shop by obstructing the view. Commissioners Weinstein and Grey agreed that the placement of the shop could impact adjoining property values by view obstruction.

Chair Bettencourt asked Planner Fatland about the options of the planning commission on this option. She was told that they could continue the hearing to come to agreement on placement next month, the city could move back to the approved location or it could be denied.

A motion was made by Commissioner Grey to continue the hearing to the August meeting regarding the City of Condon's application. The motion was seconded by Commissioner Wilson and approved unanimously.

3. REVIEW & APPROVE MINUTES

3.1. Review & Approve June 20, 2023 Planning Commission Meeting Minutes

A motion was made by Commissioner Wilson to approve the June 20, 2023 planning commissioner meeting minutes. The motion was seconded by Commissioner Grey and approved unanimously.

4. OTHER

4.1. Historic District Review - Administrative Decision - Kellie Hill

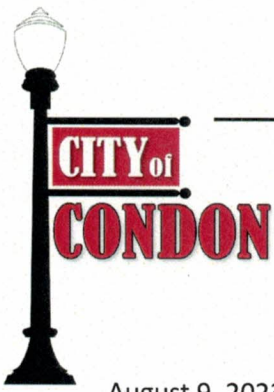
CA Greiner stated that she had received an application for Kellie Hill's property in the Historic District after she had completed her work. It was noted that the changes were administratively approved but the decision added in that future changes to the exterior must follow the city ordinance process. She also stated that she is working with Larrie & Jackie Hardie on a similar property in the Historic District that is being converted to a residence.

5. ADJOURN

Chair Bettencourt adjourned the meeting at 5:56 p.m.

_____ Date _____
Cody Bettencourt, Chair

ATTEST: _____ Date _____
Kathryn Greiner City Administrator



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August 9, 2023

Cody Bettencourt, Chair
City of Condon Planning Commission
Condon, OR 97823

Dear Cody:

The City of Condon is withdrawing its application to move the city storage shop to another location. The shop will be built where it was approved April 18, 2023.

Sincerely,

A handwritten signature in blue ink that reads "Kathryn Greiner". The signature is fluid and cursive.

Kathryn Greiner
City Administrator