



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

**AGENDA
REGULAR PLANNING COMMISSION MEETING**

TUESDAY, APRIL 16, 2024, 5:30 PM

<https://us02web.zoom.us/j/81341744253?pwd=bUg0R1NOemRRM21PZWWh5VHFoVGV44UT09>

**Meeting ID: 813 4174 4253
Passcode: 379682**

**One tap mobile
+16694449171,,81341744253#,,,,*379682# US
+16699006833,,81341744253#,,,,*379682# US (San Jose)**

- 1. CALL THE MEETING TO ORDER/ROLL CALL**
- 2. PUBLIC HEARING - Development Permit #663 - LARRY CONAWAY - CONDITIONAL USE PERMIT**
 - 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 August 15, 2023 Planning Commission Meeting Minutes**
- 4. OTHER**
 - 4.1. Review and Discuss Condon Early Learning Center Request for Extension of Permit**
 - 4.2. Other Planning Issues**
- 5. ADJOURN**

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 April 9, 2024



128 S. Main St
PO Box 445
Condon, OR 97823-0445
Tel. (541) 384-2711
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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 # 463

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

| | |
|---|--|
| APPLICANT | LEGAL OWNER (If Different than Applicant) |
| Name <u>Larry Conaway</u> | Name _____ |
| Address <u>221 North Oregon St.</u> <u>Condon OR 97823</u> | Address _____ |
| Telephone # <u>541 797-9053</u> | Telephone # _____ |
| E-mail <u>athletidarry@yahoo.com</u> | |

PROPERTY INFORMATION

Address 112 North Oregon St.

Map & Tax Lot 4521 E 103D TL 5802 Acct 5215

Zone District/Overlay Commercial

Oregon State Highway access [Yes] [No] _____
If yes, property owner must obtain appropriate Permits from Oregon Dept. of Transportation.

GENERAL INFORMATION

Describe current use of the property Currently an improved but
empty lot

Describe how proposal will change use of property Lot will be used as a coffee shop business - drive thru - entrance and exit from North Oregon street

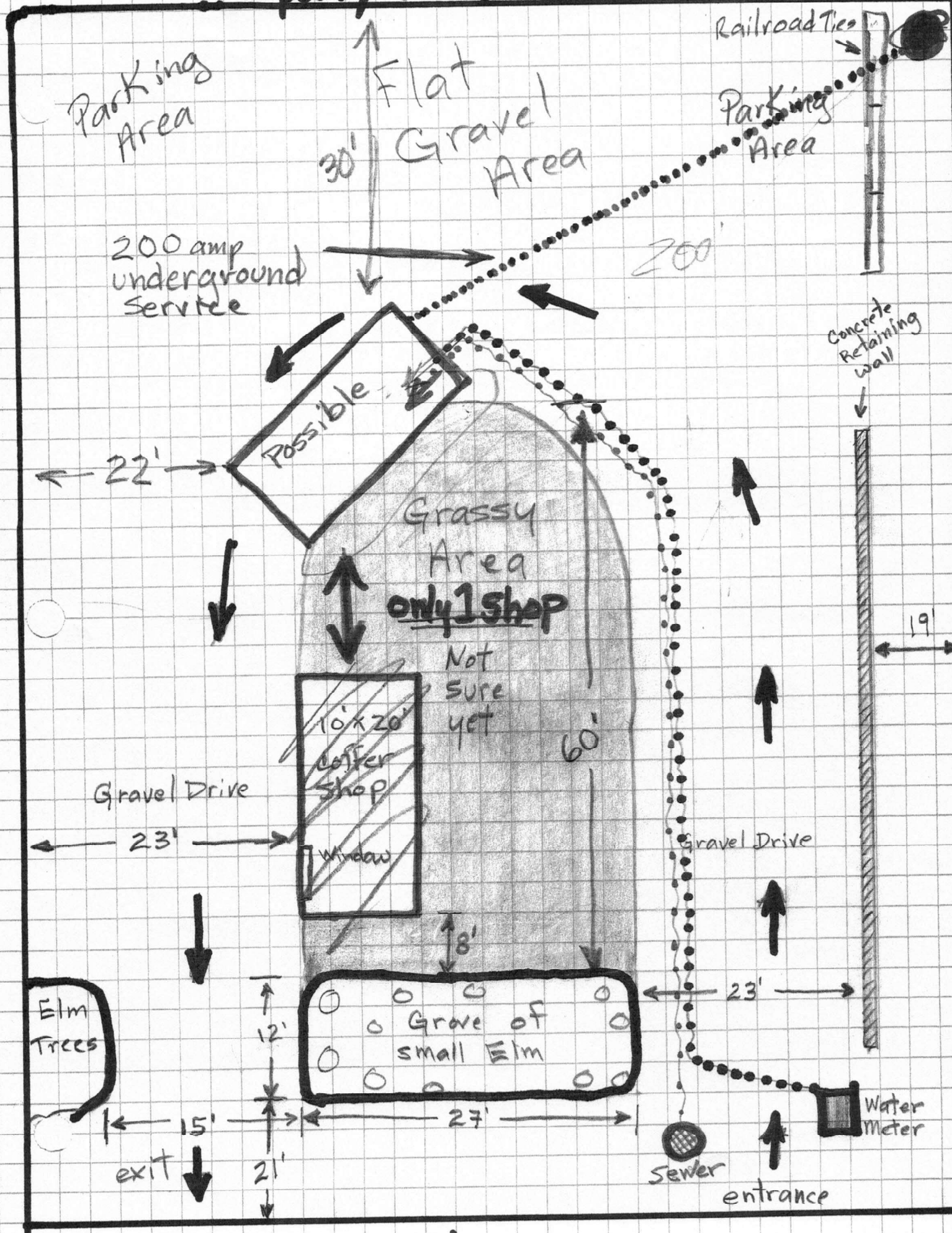
**INFORMATION REQUIRED FOR
Development Permit Application Review**

- 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: _____

Lamy Conroy 3/26/24 _____
 Signature of Applicant Date 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: YES/NO | |
| 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: _____ | |

Property Line East



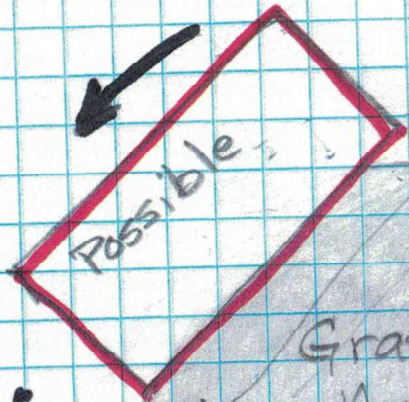
Property Line East

Parking Area

Flat Gravel Area

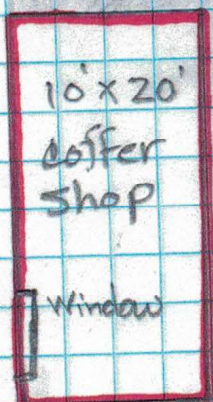
Railroad Ties

Parking Area



Grassy Area
only 1 shop

Not sure yet

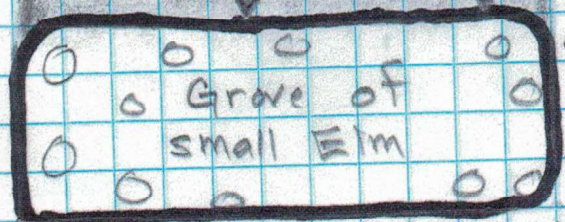


Gravel Drive

23'

Gravel Drive

23'



12'

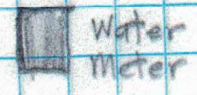
8'

15'

21'

27'

exit



Concrete Retaining Wall

19'

Highway

200'

60'



April 9, 2024

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

Reference: Drive thru Coffee Shop

| | |
|----------------------------|---|
| Report Prepared by: | Dan Meader, Planning Consultant by Contract |
| Applicants | Larry Conaway |
| Legal Description: | 04S21EW.M.10DB Tax Lot 5802 |
| Location: | 112 North Oregon Street |
| Zone: | Commercial (C-1) |
| Procedure Type: | Conditional Use |
| Decision Date: | April 16, 2024 |

Request and Background Information:

Mr. Conaway submitted an application and a pair of drawings for the proposed drive thru Coffee Shop to be located at 112 North Oregon Street. The property is Planned and Zoned Commercial, (C-1) and, as such, a drive thru service window means service to customers is made outside of the existing structure and therefore, an outside use which requires a Conditional Use Permit. The property contains a 75' x 100' lot. There is adequate room for off street parking and access to the Coffee Shop is to enter the lot from Oregon Street and circle around the landscaped area to the 10' x 20' Coffee Shop and, once the sale is complete, to exit back onto Oregon Street.

Commercial Zone Development Standards: Section 154.022

There are a few development Standards for Commercial Zone Development as follows:

Height of Building: Buildings, structures or portions thereto shall not be erected to exceed a height of three stories or 35 feet, whichever is less.

Finding: The drawing does not show the actual height of the small structure, but a quick review shows it is probably in the 10 - 12 foot range. The height of the building will not be an issue.

Setback requirements: In the Commercial Zone, setbacks are as follows:

- (1) No front yard setback is required.
- (2) No buildings shall be constructed or located closer than 5 feet from the rear lot line.

Finding: Technically the Oregon Street side of the property is the front yard in this configuration, so the rear yard would be toward the East Property Line which, while not specifically annotated on the drawing, is considerably more than the required 5’.

Off street Parking: Off street parking in a Commercial Zone is oftentimes extremely difficult to derive an exact number of spaces to be provides because the number of spaces is normally a factor of the square footage of the commercial structure and other uses on the property.

Finding: The structure is just 200 square feet, there can only be one or two employees working in that small space, so just a couple of spaces are all that should be required. There is ample room for two or more vehicles along the North Property line.

Parking Area Approval: Land used for commercial parking areas in this zone shall be developed in accordance with a plan approved in writing by the Planning Commission. The area must be surfaced with asphaltic concrete or other type of surfacing approved by the Planning Commission, and all parking spaces shall be individually marked.

Finding: Mr. Conaway states the existing gravel surface is adequate for the needs of the coffee shop and intends to use that surface as the base for the drive thru.

Conditional Uses: 154.061

There are several standards for development in the Commercial Zone for Conditional Uses as follows:

1. The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Code and other applicable policies of the City.

Finding: Outside Commercial Uses are permitted as Conditional Uses in the Commercial Zone and therefore consistent with the City’s Land Use Regulations.

2. Taking into account location, size, design, and operation characteristics, the proposal will have minima; adverse impact on the livability, value, and appropriate development of abutting properties and the surrounding area compared to development that is permitted outright.

Finding: A coffee shop that was operated in a totally enclosed structure would have considerable more impact on the surrounding properties during the daily business operations. Cars would have to be parked on site rather than just driven through the property. This proposed use fits the Conditional Use criteria.

3. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.

Finding: A small coffee shop near the downtown core area is a very desirable attribute in a City such as Condon. The applicant said he wanted to primarily serve local folks at his business.

4. The proposal will preserve assets of a particular interest in the Community.

Finding: The City has been struggling to keep its downtown core area alive and vibrant. A new facility, particularly a new coffee venue will be a welcome addition to the Community.

5. The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

Finding: The applicant indicates that he is soon retiring from his present position and wants something to do in the Community.

Section 154.601(C) indicates the types of Conditions of approval the Planning Commission may exact on a Conditional Use Permit application to help mitigate the impact of the proposed use on adjacent properties or neighboring properties.

1. Increasing the required lot size or yard dimensions.

Finding: There is no minimum lot size in the Commercial Zone (C-1) and the proposed setback are more than adequate.

2. Limiting the height, size or location of buildings.

Finding: The only structure on the property is the 10' x 20' coffee shop. There is no need to further reduce the size or location of the building.

3. Controlling the location and number of vehicle access points.

Finding: There needs to be two access points for ingress and egress.

4. Increasing the street width.

Finding: North Oregon Street is a fully improved City Street, no further improvements are required.

5. Increasing the number of off street parking spaces.

Finding: There are at least 3 off street parking spaces along the North Property Line and more area in the SE Corner of the property if more spaces are needed.

6. Limiting the number, size, location and lighting of signs.

Finding: The Applicant states that only one sign will be used at the start of the business. The Single sign will be approximately 2' x 4'.

7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.

Finding: At the time of the writing of this Staff Report, there are no known issues with nearby properties.

8. Designating sites for open space.

Finding: Given the proposed site plan, there is sufficient open space on the property.

9. Requiring proper drainage and pest control.

Finding: The Applicant proposes to continue the use of a gravel surface on the property and the only impervious surface will be the 200 square feet of the coffee shop structure. Any pests found about the property will be common to the City and controlled by current methods to discourage their presence.

10. Placing time limits on the use and requiring periodic reviews.

Finding: The Applicant did not indicate proposed hours of operation and the Planning Commission may ask him to address this issue during the public hearing. Given the type of product being marketed, fairly early morning hours until early evening would be the most common times of operation. This is a Conditional Use Permit application and the determining factor of its operation is whether or not the Conditions of Approval are being met or not. There does not appear to be a reason to set periodic reviews of the business.

Landscaping: Section 154.045

Landscaping is a fairly lengthy piece in the Zoning Ordinance and sets forth many specifics for landscaping of almost all uses except single family residential properties. The adopted standard for Commercial Development is 15% of the property must be dedicated to Landscaping of some kind. This property is 75' x 100' or 7500 square feet. The mathematics are easy, 15% of 7500 square feet is 1125 square feet. In this writer's opinion, that's a lot of ground to not be able to use in a Commercial setting. However, the drawing submitted by the Applicant indicates an area of 72' x 27' is already landscaped. That means approximately 1900 square feet, less the 200' square feet of the coffee shop structure is committed to landscaping now. Further, there is a small area of Elm trees along the North line of the Property. There does not appear to be any further need for additional landscaping to be provided in this situation.

Recommendation: Planning Staff recommends approval of this Conditional Use Permit as presented.



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

1. CALL THE MEETING TO ORDER/ROLL CALL

Chair Cody Bettencourt called the meeting to order at 5:30 p.m.

Present: Planning Commissioners Mark Wilson, Chair Cody Bettencourt and Rachel Weinstein (zoom); Staff - City Administrator Kathryn Greiner and Planning Consultant Kirk Fatland

Absent: Planning Commissioners Haylee Potter and Vernon Grey

2. PUBLIC HEARING - Larry & Jackie Hardie/Land Key Properties, LLC - Application #643 - Variance

2.1. Open Hearing

Chair Bettencourt opened the hearing at 5:30 p.m.

Chair Bettencourt asked if there were any commissions that had ex parte contact, bias or a conflict of interest with none having any of these items. She asked if the audience wanted to challenge any of the commissions on hearing this application, and there were none. She also stated that if no issues were raised at this meeting it could not be appealed at a higher level.

2.2. Staff Report - Read and/or Summarized

Fatland summarized the staff report, noting that he recommends approval based on the findings of facts listed in the report. The findings focus on the property is in a Commercial zone, which allows residential uses providing they meet the setbacks. The building has been there for an extended period of years and realistically cannot be moved to meet the setbacks for which the application is to have a variance of 3 feet on the side yard and 4 feet on the front yard. He also summarized the circumstances for granting a variance and that they meet the requirements for a variance. Fatland noted that this property is in a residential area and that there is a need for housing to approve this application. He did note that if the property was located on Main Street he may not have been favorable of this application.

2.3. Applicants & Proponents Testimony

Applicant Jackie Hardie was present but did not provide additional information.

2.4. Opponents & Public Agency Testimony

None

2.5. Questions by Planning Commissioners to Applicant or Proponents

None

2.6. Close Hearing

Chair Bettencourt closed the hearing at 5:37 p.m.

2.7. Planning Commission Deliberation, Decision or Postpone

A motion was made by Commissioner Weinstein to approve application #643 to approve the variance. The motion was seconded by Commissioner Wilson and approved unanimously.

3. REVIEW & APPROVE MINUTES

3.1. Review & Approve the July 18, 2023 Planning Commission Meeting Minutes

A motion was made by Commissioner Wilson to approve the July 18, 2023 planning commission meeting minutes. The motion was seconded by Commissioner Weinstein and approved unanimously.

4. OTHER

4.1. City of Condon Withdraws Conditional Use Permit Application to Move City Shop

Chair Bettencourt stated that she received a letter from the City of Condon to withdraw their request to move the city shop to a different location.

CA Greiner stated that she is having an issue with landowners in the Historic District not following procedures for repairs and maintenance of their buildings as required by the ordinance. She had two this last week that painted their buildings without getting colors approved administratively. She sent them letters but is also going to send out a letter to all landowners in the Historic District with the ordinance, application and offer to assist with their projects.

5. ADJOURN

Chair Bettencourt adjourned the meeting at 5:48 p.m.

_____ Date _____
Cody Bettencourt, Chair

ATTEST: _____ Date _____
Kathryn Greiner City Administrator

PROJECT MEMORANDUM

| | | | | | |
|----------------|---|------------------|----------|---------------|-------|
| TO | City of Condon Planning Commission | | | | |
| FROM | Jeff Schott, P.E. | | | | |
| PROJECT | Condon Early Learning Center Conditional Use Permit | | | | |
| SUBJECT | Request for Extension | | | | |
| DATE | 3/14/2024 | PROJECT # | 2022-048 | MEMO # | PM-01 |

We are requesting that the Conditional Use Permit (CUP) approval for the Condon Early Learning Center expansion, approved on June 20, 2023, be extended until December 20, 2024. This is effectively a 12-month extension of the original 6-month authorization period.

The City of Condon's CUP's have a normally have an approval life of 6 months, with an allowance for a 6-month extension. We are still currently in design. It is likely that we will be out for bid and in for permit review in June 2024, but it is unlikely that we will be in construction until later in the summer.

We apologize for not addressing this earlier. We were surprised that Condon's authorization period was only 6 months. We typically see a 24-month authorization period with options for extensions.

Thank you for your consideration.