CITY OF MAUPIN
P.O. Box 308
Maupin, OR 97037

Tel: 541/395-2698
Fax: 541/395-2499

MEETING NOTICE

CITY OF MAUPIN PLANNING COMMISSION MEETING

Tuesday, September 15, 2020

6:00 p.m.

At Maupin Civic Center, 507 Grant Street, Maupin, OR

COVID-19 Update: Due to federal and state requests to limit public gatherings, the City Council will hold an online video conference meeting that the public can watch and participate in via Zoom at https://us02web.zoom.us/j/88696740794. City Hall will not be open to the public during the meeting. For questions on connecting with Zoom, contact City Manager Kevin Lewis at 1-330-281-8336 or maupincitymanager@gmail.com
For voice only, instead of a computer, call in from a phone at 1-253-215-8782
Meeting ID: 886 9674 0794

AGENDA

1) Call Meeting to Order / Roll Call of Commission and Staff / Pledge of Allegiance

2) Consent Agenda: Approval of Minutes August 11, 2020

3) Audience Participation

4) City Planner Staff Report

5) Continuation of Study Session on Updates to the City Zoning Ordinance Text

6) Next Meeting – Tuesday, October 13, 2020 6:00 PM

7) Adjourn

CITY MEETING CALENDAR

MONTH	DATE	DAY	TIME	GROUP	LOCATION
September 2020	23	Wed	6:30 pm	Regular Council Meeting	Maupin Civic Center Zoom

MINUTES
MAUPIN PLANNING COMMISSION MEETING
August 11, 2020
6:00 p.m.

ZOOM/TELECONFERENCE MEETING

PRESIDING:	Dale Madden, Chairman
COMMISSION PRESENT:	Dale Madden, Suze Riley, Denis Carlsen
COMMISSION ABSENT:	Andrew Kreipe, (1 vacant position)
STAFF PRESENT:	Recorder DeOra Patton, Recorder Christine Kurtz, City Manager Kevin Lewis, Planner Dan Meader, Planner Kirk Fatland

Visitors Present: Ralph Wimmer

CALL TO ORDER/ ROLL CALL/ PLEDGE OF ALLEGIANCE. The meeting was called to order by Chairman Madden at 6:00 p.m. Roll Call of Planning Commission was conducted by Recorder Kurtz. Chairman Madden led the Commissioners in the Pledge of Allegiance.

CONSENT AGENDA: Approval of Minutes of April 14 & 20, 2020; Minutes July 14, 2020: It was moved by Commissioner Riley, Seconded by Commissioner Carlsen, and passed unanimously on a 3 to 0 vote (Ayes: Madden, Riley, and Carlsen; Nays: none); the Commission approves Consent Agenda as presented.

AUDIENCE PARTICIPATION. none.

CONTINUATION OF STUDY SESSION ON UPDATES TO CITY ZONING ORDINANCE TEXT: Planner Meader facilitated a discussion around lot size requirements for duplexes in the various zones. Commission accepted Planner Meader's recommendation to standardize 10,000 square foot lot requirement for duplexes in the Medium Density Residential (MDR) Zone. It was moved by Commissioner Riley, Seconded by Commissioner Carlsen, and passed unanimously on a 3 to 0 vote (Ayes: Madden, Riley, and Carlsen; Nays: none).

DRAFT

Planner Meader gave background on tax lot line adjustment process and expenses incurred, citing ORS Chapter 92 which calls for a re-plat (plotting of the property line) being filed with the county. As an alternative solution, Planner Meader presented to Commission adding a deed restriction requirement to the City's building permit process. Commission agrees to move forward with Planner Meader preparing a sample ordinance for review.

Recorder Patton and Planner Meader determined restarting review at Off Street Parking on page 28 of Zoning Ordinance. Various members at meeting alternated reading text and Planner Meader commented on various changes. Discussion included:

- Employee Parking Requirements are not mentioned, and may be insufficient in the downtown core especially for rafting businesses. Commissioner Carlsen suggested organizing community input on a parking solution for downtown. Planner Meader recommended the Commission consider building a municipal employee parking lot.

- Off Street Parking time limit restrictions should include a sight obscurring requirement. Commission discussed various abatement techniques.

- Structure preservation discussion determined that City requires a demolition permit and process. Commision agrees to have Planner Meader conduct research and report at next meeting.

- Add 10 feet height limitation on small structures not requiring a building permit

- Commission discussed options for revoking a conditional use permit.

- Commissioner Riley discussed future housing needs and the building of DRAC. Planner Meader explained challenges in Maupin related to buildable lands and the City's natural topography.

Commission ended Zoning Ordinance review. Will resume at Variances & Exceptions on page 40 of the City Zoning Ordinance text at next meeting.

DELIVERABLES: Planner Meader to prepare Staff Report, and present at September meeting:

- Sample Ordinance for Barn'dminiums and Cargo Containers as Single-Family Residences.
- SHIPO research, sample Demolition Permit and process
- Research any ODOT updates that need to be incorporated
- Sample Ordinance of Deed Restrictions on tax lot line adjustments

NEXT MEETING: SEPTEMBER 15, 2020 AT 6:00 PM

DRAFT

ADJOURN: Chairman Madden adjourned the meeting at 8:04 p.m.

Respectfully submitted by
Christine Kurtz
City Recorder

Dale Madden, Chairman

DRAFT

TENNESON
ENGINEERING CORPORATION
CONSULTING ENGINEERS • SURVEYORS • PLANNERS

3775 CRATES WAY
THE DALLES, OR 97058

PHONE (541) 296-9177
FAX (541) 296-6657

September 8, 2020

Maupin City Planning Commission
P.O. Box 308
Maupin, Oregon 97734

Regarding: September Staff Report

Dear Commissioners:

At the previous meeting, August 12, 2020, this office was directed to provide material for a follow up discussion by the Planning Commission. This material is provided as follows:

Barn'dminimiums and Cargo Containers: A sample ordinance amendment is attached as Exhibit 1. Please note there needs to be additional work refining the definition of Single Family Dwelling in the LL-R Zoning Text and possibly, in the Agricultural "A" Zoning text as well. The sample ordinance is a draft that may be reworked as the Commission desires.

SHPO Research and Historic Structures: Kirk Fatland has researched that topic and his report is attached as Exhibit 2.

ODOT Requirements: The State Department of Transportation (ODOT) requires each and every jurisdiction, City and County, to incorporate the language of Section 4.12 into the jurisdiction's Zoning Ordinance. Many places the language repeatedly in each individual Zone requirements in the Ordinance. In order to save some space and prevent redundancy in Maupin's Ordinance, we have placed the requirement in the Supplemental Provisions Article. And, no, ODOT does not want to change it.

Section 4.11 Accessory Building Setback requirements: My notes show the beginnings of a rewrite here and I think it would be productive to discuss this in more detail. The existing Zoning Ordinance has differing provisions listed in the Residential Zoning texts. Now would be the time to correct this. First of all, a brief explanation of the change in square footage by the State Building Codes Agency. For many years the State threshold for a building permit was at 120 square feet (10' x 12' structure) somewhere in the late 90s the Agency raised the threshold to 200 square feet (10' x 20' structure). Maupin, at that time, did not make that change. Most of my career, I have held that if an accessory structure did not require a building permit, then the Zoning Ordinance did not govern that particular structure. The thinking being less regulation by government is better. But with the proliferation of small accessory buildings in the Residential Zones of any given City, perhaps that concept needs to be reconsidered. This should be something the Commission should discuss and make a reasoned determination. And, in the process, establish uniform language for accessory structures throughout the Zoning Ordinance.

Stand Alone Garages – Deed Restriction Process: This material is attached as Exhibit 3. This is a work in progress and the cover page of the material pretty much explains the issue and the costs involved. We believe that by using this Deed Restriction Process, the City can prevent a proliferation of Stand Alone Garages by a much simpler process than by requiring a formal replat of the lots in question. This Deed Restriction process has been developed over the past few weeks and a number of folks have assisted, City Manager Kevin Lewis, City Attorney Paul Sumner and others. We are having a local property owner attempting to complete the process as this is being written. We should have some feedback by our next meeting.

So, we look forward to seeing all of you on September 15. We have a few pages of the Zoning Ordinance remaining to review along with the enclosed material. Hopefully this will provide for some lively discussions.

Sincerely,

TENNESON ENGINEERING CORPORATION

/s/ Kirk Fatland

Kirk Fatland, Staff Planner

/s/ Dan Meader

Dan Meader, Senior Planner

DM:kb
<wo#15790>

Enclosures

TENNESON
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Dear Commissioners,

In working through the Maupin Zoning Ordinance, we reached Section 4.10 dealing with the demolition of historic structures. Due to a widely destructive fire in 1921 there are only two remaining registered historic sites are the OOF Lodge #209 Hall and the Hunts Ferry Warehouse Company building. The ordinance currently references an application for demolition or major alteration of a historical site to be approved, delayed, or denied by the Planning Commission. The flaw in the current ordinance is that a demolition permit is not required by the State or City so the Planning Commission will not necessarily be aware of demolitions before they occur. Portland currently has a very rigorous process that may have components applicable to Maupin.

In Portland, a demolition permit is required to demolish any structure that required a building permit to construct, this also includes structures that were improperly built without a permit. A demolition permit is required for each structure that you wish to remove. For example, a detached garage and house on the same property will require two separate demolition permits. A demolition permit is necessary if a building permit is obtained to construct a new building in its place. Additionally, any home built before 1941 must be "deconstructed" by a certified contractor, for the purpose of preserving the materials. Finally, there is also a Demolition Delay Ordinance which requires neighbors be notified of a demolition application and gives them an opportunity to delay any demolition by 60 days.

I have reached out to the State Historic Preservation Office (SHPO) to see how other small cities are handling the demolition process, but as of this meeting have not heard back. Portland's process may be more involved than is necessary for Maupin, but Eugene's is more practical. The City of Eugene requires an application, site plan and demolition plan for the demolition of any building that required a building permit. Adjoining properties are to be notified 48 hours prior to obtaining the permit. Requiring a permit for all demolitions would allow the Planning Commission to have a say in the preservation of historic buildings and could be done in such a way that the process is not onerous for property owners or City staff.

Sincerely,

Kirk Fatland

Ordinance
City of Maupin

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE #249 AS AMENDED, TO PROVIDE FOR SUSTAINABLE HOUSING IN THE CITY INCLUDING BARN'DMINIUMS AND CARGO CONTAINERS MEETING CERTAIN DESIGN FEATURES

LEGISLATIVE FINDINGS

1. The City has determined to allow Sustainable Housing in the City's Residential Zones along with Single Family Dwellings and Manufactured Dwellings. These units include barn'dminiums and cargo containers which would be allow in all residential zones.

2. The land use process required to initiate this amendment is a legislative process because, if approved, would allow these units city wide in multiple residential zones.

3. The City Planning Commission undertook a lengthy review of this proposal over the fall and winter of 2019 and through the first half of 2020, before going to a Public Hearing in October 2020.

4. The City notified the Land Conservation and Development Department (LCDC) on _____of the proposed hearings through the Department's Post Acknowledgement Plan Amendment Process (PAPA).

5. Public notices were also published in the local newspaper and posted on public bulletin boards throughout the City.

6. At the close of the Planning Commission Public Hearing, the Commission moved unanimously to recommend the proposed amendment be approved by the City Council.

7. The City Council conducted a Public Hearing on November ____ and moved unanimously to approve this proposed amendment.

NOW THEREFORE, the Common Council of the City of Maupin does hereby ordain as follows:

PROPOSED AMENDMENTS TO THE CITY ZONING ORDINANCE

1. Amend the Definitions Section to include the following definitions in alphabetical order and renumber the list accordingly.

    a. Barn'dminium. A steel structure originally intended for agriculture, commercial or industrial use that is placed upon a lot or parcel and has living quarters

Draft

constructed within it to serve as a single family dwelling. Certain standards, listed in Article 4, Supplemental Provisions apply.

b. Cargo Container Conversion. One or more cargo containers designed to ship cargo by land, sea and air that is converted into a single family dwelling. Such cargo containers must be certified by the seller to have never been used to carry hazardous material. Certain standards, listed in Article 4, Supplemental Provisions apply.

c. Dwelling, Single Family. A structure designed and built exclusively for the occupancy of one family. The structure may be site built, a manufactured dwelling or a qualified mobile home. Architectural exterior features shown in Section 4.19 are required. Single family dwellings include detached dwellings and sustainable housing including barn'dminiums and cargo containers meeting certain standards listed in Section 4.20 are required.

2. Add Section 4.19 to Supplemental Provisions, Article 4:

a. Section 4.19 Architectural Exterior Features Required. Each Single Family Dwelling, as defined, shall be provided with at least two (2) of the following list of architectural exterior features.

1. Dormers
2. Gables
3. Recessed entries
4. Covered Porch entries
5. Cupolas or towers
6. Pillars or posts
7. Eaves (minimum 6 inch projection)
8. Off-sets in building face or roof (minimum 16 inches)
9. Window trim (minimum 4 inches wide)
10. Bay Windows
11. Balconies

Draft

12. Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation and similar features

13. An alternative feature providing visual relief, similar to options 1 through 12, above.

3. Add Section 4.20 Special Standards for Barn'dminimiums and Cargo Containers

a. Barn'dimimiums and Cargo Containers have certain design characteristics the denote the original intended use of the structure was for other than a single family dwelling. These structures have a more visual impact on a residential neighborhood that a site built or manufactured dwelling would have. There units shall be placed on a concrete foundation, have a 3/12 pitched roof with a minimum of 6 inch eaves, minimum windows of 8% to a maximum of 15% of the floor area of each room and a common type of siding material on each unit. In addition, a barn'dminimium or cargo containers Conversion shall also be required to an approval from the City for at least 2 additional features listed in the Architectural Exterior Features, Section 4.19, above.

Approved by the City Council and signed by the Mayor this _____day of _____, 2020.

SIGNED:

_____
Mayor Lynn Ewing

ATTEST:

_____
Qristy Kurtz, City Recorder

Draft

STAND-ALONE GARAGES ON PLATTED LOTS

08/17/2020

The Purpose of this paper is to discuss and propose alternatives for allowing a 'stand-alone' garage on a vacant contiguous platted lot next to a lawfully permitted single family dwelling. As the current Maupin Zoning Ordinance reads: Accessory structures must be incidental and subordinate to the main use of the property and located on the same lots as the main use. This is common practice in most Oregon Cities. Stand-alone garages in Residential neighborhoods often get sold to other private parties and end up as individual commercial structures, including automotive repair, small engine repair or paint shops. Recently Maupin has experienced a number of these requests and the Planning Department has completed research on the procedural alternatives seeking a method to allow these requests when the applicant owns a home on the adjacent platted lot. What follows is a discussion of those alternatives.

The most common practice in Wasco County and, indeed, the Counties of Jefferson, Gilliam and Sherman assessor's office is to offer a process called "cancel and combine" in which the home owner, seeking a building permit for a garage on an adjoining lot submits a "cancel and combine" request to the applicable Assessor's Office. The Assessor's Office then cancels the Tax Lot Number (accounting method for all properties in the County) of the adjoining platted lot and includes that lot with the Tax Lot Number of the primary lot which contains the applicant's home. The problem here is that this does not change the property lines and does little to insure the 'stand-alone garage' cannot be sold separately.

The Oregon Revised Statutes, Chapter 92 provides the correct method to insure the 'stand-alone garage' remains a part of the original ownership. ORS 92.010 (13) provides: Replat means the platting of lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision. This process, Replatting, requires a licensed Oregon surveyor to survey the property and prepare a new subdivision Plat combining the two platted lots into a single platted lot with in the existing subdivision. The problem is this is an expensive process. Current estimates show the Surveying fees would be in the range of $2000-$2500 with filing fees for the City, County and State, all of which become involved in this process would also be in the range of $2000-$2500. However, this is the absolute correct method to allow a 'stand-alone garage' on an adjacent lot in a platted subdivision.

Another method has been suggested which may help this specific situation is to require the applicant to first, complete the 'cancel and combine' of the two tax lots and second to file a Deed Restriction on both lots indicating these two lots cannot be sold separately. This Deed Restriction would run with the property and would show up on any Title Report that would be forthcoming in a listing agreement. Now a Deed Restriction could be removed by an applicant after the initial recordation, so it would be prudent to have a statement on the Deed Restriction that provided the Deed Restriction could not be removed without the express written consent

of the City of Maupin. The Building Permit for the garage would not be issued by the City until copies of the Recording Documents were presented to the City.

Other ways to remove the Deed Restriction would be to take down the garage or to construct a single-family dwelling on the garage lot. The dwelling unit could encompass the existing garage or leave the existing structure as a detached garage.

A suggested Application form is attached to this report. It is suggested a notation be added to the definition of "Accessory Use or Structure" in the City Zoning Ordinance and an explanation of this process be added to the Supplemental Provisions section of the Zoning Ordinance.

City of Maupin
PO BOX 308 Tel: 541-395-2698
Maupin, OR 97037 Fax: 541-395 - 2499

DEED RESTRICTION APPLICATION FOR "STAND-ALONE GARAGE"

FEE: See City of Maupin Fee Schedule

Owner (Lot 1) _____

Mailing Address _____

Phone No. _____ **Email** _____

Owner (Lot 2) _____

Mailing Address _____

Phone No. _____ **Email** _____

Property Information:

LOT 1

Property Address _____ **Zone** _____

Lot, Block, & Subdivision _____ **Wasco County Tax Map/Parcel No.**_____

Current Use of Property _____

LOT 2

Property Address _____ **Zone** _____

Lot, Block, & Subdivision _____ **Wasco County Tax Map/Parcel No.**_____

Current Use of Property _____

To the best of my knowledge, all statements and information contained in this application and attached exhibits are true and correct. I authorize City of Maupin staff and/or Hearings Body to enter the property for inspection of the site in conjunction with this land use application.

Signatures:

Owner _____ **Date** _____

SUBMITTAL REQUIREMENTS

This application for a Deed Restriction to allow the placement of a "Stand-alone garage" shall be accompanied by the following materials.

- **Copies of the deeds or other recorded instrument that signifies ownership of the two lots in question**
- **Legal descriptions of the two lots in question**
- **If the properties are not served by the City Sewer system, provide documentation from the County Health Division which indicates that the proposed Deed Restriction to allow a "Stand-alone garage" that the proposed garage, if provided with City Water Service will be in compliance with all applicable requirements for sanitary septic systems when the construction is complete**
- **Provide documentation that the Wasco County Assessor has performed the necessary steps to "Cancel and combine" the Tax Lots into a single Tax Lot**
- **Provide documentation that the Wasco County Clerk has recorded the Deed Restriction on both lots in question**

CRITERIA FOR LOT DEED RESTRICTIONS
To allow for a "Stand-alone garage"

- **The two lots must be immediately adjacent and contiguous to each other**
- **The two lots must be in the documented ownership of the applicant**
- **This application for a "Stand-alone garage" must be completed and submitted to the City Recorders Office**

The proposed Deed Restriction must read as follows:

I/we _____the applicants hereby request the County Clerk cause the following Deed Restriction be placed in the Deed Records of Lot _____and Lot_____of Block_____of _____Subdivison in the City of Maupin.

Lot_____and Lot_____of Block_____of _____Subdivison to the City of Maupin are hereby declared non-separable and must be sold as one unit of land. This Deed Restriction may not be deleted unless express written permission is provided by the City of Maupin.

LOCAL GOVERNMENT INFORMATION/APPROVAL

Office:

Date Application Filed_____

Date Fee Paid _____

Date Application Deemed Complete _____

Administrative Staff Action:

Application [ ] Approved as Submitted

[ ] Approved with Condition _____

_____

_____

The Deed Restriction must be recorded by the Wasco County Surveyor and two (2) Copies of the recorded document must be received by the City of Maupin.

[ ] Denied

Signed _____ **Date** _____

NOTICE TO APPLICANT

LAND USE DEVELOPMENT FILING FEE

AND REIMBURSEMENT FOR ADMINISTRATIVE COSTS

Dear Applicant:

The City of Maupin, like many cities in Oregon, is faced with a severely reduced budget for the administration of the City's ordinances. The land use planning process in the State of Oregon has become increasingly complex.

To properly process your land use application, the City must rely upon professional consultants to assist in preparing the legal notices, conducting on-site inspection, preparation of staff reports and attendance at the Planning Commission and/or City Council meeting. The City utilizes a consultant to ensure your application is processed fairly and promptly. Because of the reduced budgets, the City finds it necessary to transfer those administrative costs to you, the applicant, as a part of the land use planning process.

Therefore, you are asked to read and sign the statement below indicating you understand the requirement.

LAND USE DEVELOPMENT FILING FEE AND ADMINISTRATIVE COST REIMBURSEMENT

I/We, the applicant(s),

_____

agree that **in addition** to the Land Use Filing Fee per City of Maupin Fee Schedule, to reimburse the City of Maupin for actual cost of Contract Planner and Attorney.

Signed this _____ day of _____

Property owner(s): _____

_____

After Recording Return To:
City of Maupin
PO Box 308
Maupin, OR 97734

Map and Tax Lot numbers

_____

Do not write in box. For recording purposes only.

DECLARATION OF DEED RESTRICTIONS

THIS DECLARATION, made the date below written, by _____hereinafter referred to as "Declarant",

W I T N E S S E T H:

WHEREAS, Declarant is the owner of real property situated in Wasco County, Oregon, more particularly described on the description sheet, marked Exhibit "A", attached hereto and incorporated herein as though fully set forth hereat; and

WHEREAS, Declarant desire that said property be subject to the restrictions herein set forth for the benefit of said property and its present and subsequent owners as hereinafter set forth;

NOW, THEREFORE, Declarant hereby acknowledges that be recording this deed restriction prohibiting the individual sale of these two aforementioned lots, the City of Maupin will approve the construction of a garage on Lot _____a currently vacant lot. This lot and the adjacent contiguous, Lot _____ must be sold as one unit of land. The formal deed restriction shall read: **i/we_____the applicants hereby request the County Clerk cause the following Deed Restriction be placed in the Deed Records of Lot_____and Lot_____ of Block_____of _____Subdivision Addition to the City of Maupin.**

Lot _____and Lot_____of Block_____of _____Subdivision to the City of Maupin are hereby declared non-separable and must be sold as one unit of land. This Deed Restriction may not be deleted without the express written consent of the City of Maupin.

DATED THIS _____ day of _____, 20____.

_____
NAME

_____
NAME

STATE OF OREGON)
) ss.
County of Wasco

_____, 20_____

Personally appeared before me, the above named _____ and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

_____
Notary for Oregon
My Commission Expires: _____