



CITY OF MAUPIN

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MEETING NOTICE

CITY OF MAUPIN PLANNING COMMISSION MEETING

Tuesday, February 8, 2022

6:00 p.m.

COVID-19 Update: Due to federal and state requests to limit public gatherings, the Planning Commission will hold an online video conference meeting that the public can watch and participate in via Zoom <https://us02web.zoom.us/j/88696740794?pwd=NWtZQkhka05WZmREQzZSZ09ES2FHUT09>

Just click the link above or copy and paste it in your browser. Enter the meeting code and ID below.

Meeting ID: 886 9674 0794

Passcode: 572571

For voice only, instead of a computer, call in from a phone at 1-253-215-8782

Meeting ID: 886 9674 0794

City Hall will not be open to the public during the meeting. For questions on connecting with Zoom, contact City Manager Kevin Lewis at 1-541-370-2429 or citymanager@cityofmaupin.org

AGENDA

- 1) Call Meeting to Order / Roll Call of Commission and Staff / Pledge of Allegiance
- 2) Consent Agenda: Approval of Minutes, January 11, 2022
- 3) Audience Participation. This time is set-aside for public to speak on any subject which does not appear on the agenda. Three minutes per person will be allowed. The maximum time for public comments will be 15 minutes.
- 4) **DISCUSSION:** Drafting Food Cart Ordinance.
- 5) **CONSIDER:** Expired Commissioner seats.
- 6) **CONTINUATION of Study Session on re-zoning of land within the City of Maupin.**
- 7) Communications
- 8) Next Meeting – Tuesday, March 8, 2022 6:00 PM
- 9) Adjourn

CITY MEETING CALENDAR

MONTH	DATE	DAY	TIME	GROUP	LOCATION
February	24	Thurs	6:30 pm	City Council	Zoom
March	8	Tue	6:00 pm	Planning Commission	Zoom

**MINUTES
MAUPIN PLANNING COMMISSION
MEETING
January 11, 2022
6:00 - 7:25 p.m.
Zoom only**

PRESIDING: Suze Riley, Chair

COMMISSION PRESENT: Suze Riley, Michael Jones, Jessie Rose, Andrew Kreipe

COMMISSION ABSENT: Dale Madden

STAFF PRESENT: City Manager Lewis, City Recorder Wolfe, Planner Kirk Fatland

VISTIORS PRESENT: Medy Gantz, Marni Malefyt, Philippe DeLaMare, Bill Patterson

CALL TO ORDER/ ROLL CALL/ PLEDGE OF ALLEGIANCE.

The meeting was called to order by Chair Riley at 6:02 p.m. Roll Call of Planning Commission was conducted by Recorder Wolfe. Chair Riley led the Pledge of Allegiance.

CONSENT AGENDA: Approval of Minutes of December 14, 2021:

It was moved by Commissioner Rose to approve December 14, 2021 minutes and consent agenda as presented, Seconded by Commissioner Jones, and passed unanimously on a 4 to 0 vote (Ayes: Rose, Kreipe, Riley, and Jones Nays: 0).

AUDIENCE PARTICIPATION.

None.

PUBLIC HEARING Text amendment to “Section 3.8 – Recreational Commercial” of the Zoning Ordinance:

Chair Riley opened the Public Hearing for a text amendment to Section 3.8 – Recreational Commercial of the Zoning Ordinance.

Any Disclosures to be made: none

Planner Kirk Fatland presented his staff report.

Criteria for amendments:

A. The proposed change conforms and supports the goals and policies contained in the Comprehensive Plan, specifically: Overall Goal 4: To provide for community housing, employment and recreation needs within the financial and natural limitations of the area. Goal 2: Range of housing prices and variety of housing types and locations. Goal 8: The City supports having affordable housing and continuation of infill development. Goal 10: Proposed amendment conforms to the Maupin Comprehensive Plan.

B. The proposed amendment would not significantly affect a transportation facility as is

The proposed Zoning Ordinance text amendment to the RC Zone would allow all uses permitted in the MD-R Zone, providing all requirements of that zone are met. Currently the RC Zone restricts residential uses to those located above existing commercial uses. The proposed amendment would allow additional residential uses such as single-family homes.

Public Hearing was opened by Chair Riley:

- Public comments:** There were none.
Proponents: There were none.
Opponents: There were none.
Any other agency: There were none.

Public Hearing was closed by Chair Riley.

Commissioners reviewed and discussed the documentation that was presented. This would allow flexibility for the property owners that have existing homes in the RC Zone to be in compliance with the zone use by allowing all uses permitted in the MD-R Zone, subject to Site Plan Review.

Commissioner Jones made a motion to take the text amendment to Section 3.8 – Recreational Commercial of the Zoning Ordinance to the City Council for their consideration. Commissioner Kreipe second the motion. Motion passed unanimously on a 4 to 0 vote (Ayes: Rose, Kreipe, Riley, and Jones; Nays: 0).

PUBLIC HEARING Partition of a parcel in HD-R Zone:

Chair Riley opened the Public Hearing for Partition of a parcel in HD-R Zone and announced the procedure for appeal, if any. Chair Riley called Planner Fatland to present his staff report.

Any Disclosures to be made: none

Planner Fatland presented his staff report (attached with minutes). The proposed partition and rezone have been presented to the City Planning Commission, as the initial step towards a large residential development on the subject parcel with the potential for commercial uses fronting the highway. Two separate hearings will be held, first to address the tentative partition plat, the second will address the proposed Zoning/ Comprehensive Map amendment.

Criteria for amendments:

- A. The proposed change conforms and supports the goals and policies contained in the Comprehensive Plan, specifically: Goal 9: To provide economic opportunities for the City, by encouraging employment opportunities and compatible with existing and anticipated uses of land shown in the plan. Goal 10: To provide for the identified housing need.
- B. The proposed amendment would not significantly affect a transportation facility as is described.

No specific development is proposed, additional commercially zoned land creates the possibility of additional employment. Due to the proximity of the proposed parcel, commercial use could serve as an appropriate buffer between highway and residential development. The

area proposed is one acre; the entirety of the existing GC Zone is approximately six acres. The proposed amendment would change the zoning designation of a one-acre parcel from HD-R to GC, limiting the possibility of residential use on the particular property. The applicant's intent for this proposed commercial area is to serve future residential development.

Proposed Conditions of Approval:

1. The applicant will demonstrate final ODOT approval of the proposed highway approach prior to final plat approval.
2. The applicant will demonstrate that the proposed private street will meet all standards of a local public street prior to final plat approval. The final plat must be accompanied by a deed or legal description clearly describing the proposed private street.
3. The proposed private street must be completed prior to final plat approval.

Chair Riley called on property owner, Philippe DeLaMare to share his plans. He has owned this property for 17 years with a lot of interest in how to develop this property. He started to develop this property in 2008 until the economic downturn. This ultimately is a phased development/sub-division. This partition is one acre and there will be other partitions after this. He wants to carve out this partition first due to several inquiries to develop. Spey Road is not adequate for commercial use and be the only access for residential use. This development needs to have access off of Hwy 197.

Public Hearing was opened by Chair Riley:

Public comments; Q. Medy Gantz (Maupin) expansion starts with commercial build up, then expand into the sub-division? **A.** Philippe DeLaMare clarified there are 26 apartments, 22 5000-6000 sq. ft. cottages and large homes slated for expansion and the development will have its own access road off of HWY 197. **Q.** Kathy Peck (Maupin), where is the access road off of Hwy 197 **A.** Philippe DeLaMare stated, approx. 600 ft. west of Spey Road. (half way between Blue Rock Road and Spey Road). There will be an egress and ingress off of Hwy 197. **Q.** Marni McLucas (Maupin), what kind of businesses would be using this. **A.** Philippe DeLaMare stated he has been approached by several different retail businesses. There has been interest for several years and what goes in there will be a "good fit for Maupin".

Proponents: Medy Gantz, Kathy Peck both feel this is a great beginning for future development.

Opponents: There were none.

Any Public Agencies: A letter was submitted from Fair Housing Council of Oregon addressing Goal 10.

Public Hearing was closed by Chair Riley:

Commissioners reviewed and discussed the documentation that was presented for partition of a parcel in HD-R Zone. We need to remember this is the "Front Door" to our city, so we want to be careful what is put there.

Commissioner Jones made a motion to approve the preliminary plat with the conditions of approval in the staff report. Commissioner Kreipe second the motion. Motion passed unanimously on a 3 to 0 vote (Ayes: Kreipe, Riley, Jones; Nays: 0).

PUBLIC HEARING Comprehensive Plan/Zone Map amendment to redesignate a one-acre parcel in the MD-R Zone to General Commercial:

Chair Riley opened Public Hearing for Comprehensive Plan/Zone Map amendment to redesignate a one-acre parcel in the HD-R Zone to General Commercial.

Planner Kirk Fatland presented his staff report (same staff report as the partition request). This is an amendment to the Comprehensive Plan / Zoning Map.

Criteria for amendments: Follow the same as section 8.3 – Criteria for amendments. From our HNA, which has not been adopted by council at this time, but we do know we have sufficient vacant HD-R land. This will not make or break the housing situation in Maupin.

Chair Riley called on property owner, Philippe DeLaMare to share his plans again. He feels by putting commercial property along Hwy 197 this will create a buffer for the housing development that will be north of the commercial property.

Public comments: No comments

Proponents: Kathy Peck (Maupin) the opportunity for housing and more commercial opportunities for our community to grow is a valid plan.

Opponents: There were none.

Any Public Agencies: There were none.

Public Hearing was closed by Chair Riley:

Commissioners reviewed and discussed the documentation that was presented for Comprehensive Plan/Zone Map amendment to redesignate a one-acre parcel in the HD-R Zone to General Commercial. Is there plenty of water, sewer, and electricity for this development? There appears to be no issue with any infrastructure per City Manager Lewis.

Commissioner Jones made a motion to recommend to Council for their consideration to amend Comprehensive Plan/Zone Map to redesignate one-acre parcel in the corner west of Spey and North of Hwy 197 in the MD_R Zone to General Commercial. Commissioner Kreipe second the motion. Motion passed unanimously on a 3 to 0 vote (Ayes: Kreipe, Riley, and Jones; Nays: 0).

PUBLIC HEARING Text amendment to Maupin Zoning Ordinance to create a Craft Industrial Zone:

Chair Riley opened Public Hearing for text amendment to Maupin Zoning Ordinance to create a Craft Industrial Zone and asked for Planner Kirk Fatland to present his staff report (attached with minutes).

Criteria for amendments:

A. The proposed change conforms and supports the goals and policies contained in the Comprehensive Plan, specifically: Overall Goal 4: To provide community housing, employment and recreation needs within the financial and natural limitations of the area. Overall Goal 2: Range of housing prices and variety of housing types and locations. Goal 9: The City supports having affordable housing and continuation of infill development.

B. The proposed amendment would not significantly affect a transportation facility as is described.

Public Hearing was opened by Chair Riley:

Public comments; Q. Medy Gantz (Maupin) asked for clarification for this zone and why do we need it? A. Example: A brew pub is tough to fit in the commercial or industrial zones. This new zone will allow more flexibility and fit better into the zone.

Recorder Wolfe had a phone conversation with Rich Sutliff & Donna Henderson (Maupin) who said they are in support of this new zone and feel it would work well with the property they have currently in the industrial zone.

Proponents: There were none.

Opponents: There were none.

Any Public Agencies: There were none.

Public Hearing was closed by Chair Riley:

Commissioners reviewed and discussed the documentation that was presented for text amendment to Maupin Zoning Ordinance to create a Craft Industrial Zone. Are there any negative consequences that we are missing with this zone? Planner Fatland stated all permitted uses are with a site plan review, Planning Commissioners will have another look at everything and determine if it is a good fit or not. Why can't we just allow these activities to be in the other zones and not create a new one? Planner Fatland reasoned that some activity doesn't work in industrial zone and you don't want industrial activity in commercial zones. This zone also makes a smaller lot size permissible.

Commissioner Kreipe made a motion to recommend to Council for their consideration to make the text amendment to the Maupin Zoning Ordinance to create a Craft Industrial Zone.

Commissioner Rose second the motion. Motion passed unanimously on a 4 to 0 vote (Ayes: Rose, Kreipe, Riley, and Jones; Nays: 0).

Site Plan Review 5th & Staats:

Chair Riley read letter that was submitted to Planning Commission from Mark Endsley 501 & 503 Staats Ave. requesting the Planning Commission to combine both lots or deed restriction in place in order to construct a house and detached garage with an apartment above on said property. The letter stated that there are delays with contractor availability and materials, so the completion of construction is in three phases. They would like to install an RV pad on the NE corner of the property, which would include utility connections for water, sewer and electricity. They will live in the RV while the second phase is being constructed. The second phase would be to build the garage with an apartment above, once that is completed, they would move into apartment and store the RV. Third phase would be the construction of the house and moving into that once completed.

Main concern is to have the properties combined or under a deed restriction and submitted to the City.

Commissioner Rose made a motion to accept the site plan for 501 & 503 Staats Ave with the contingency that the lots be combined through the county or by deed restriction and submitted to the City. Commissioner Jones second the motion. Motion passed unanimously on a 4 to 0 vote (Ayes: Rose, Kreipe, Riley, and Jones; Nays: 0).

COMMUNICATIONS: NONE

NEXT MEETING: February 8, 2022 at 6:00 PM

ADJOURN: Chair Riley adjourned the meeting at 7:35 p.m.

Respectfully submitted by
Christine Wolfe
City Recorder

Suze Riley, Chair

DRAFT



TENNESON

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February 3, 2022

City of Maupin
Planning Commission
507 Grant Ave.
Maupin, OR 97037

Regarding: Food Carts

Dear Commissioners,

At the request of the Mayor and City Manager I have prepared a draft ordinance addressing and permitting food carts in specific circumstances. There are two general sections to the draft; one allows a renewal annual permit for food carts in commercial zones, the other allows food carts as a temporary use for an annual maximum of 30 days in other zones. The purpose of the first is to allow food carts to act similarly to brick-and-mortar restaurants. The second is meant to address food vendors that may come to town temporarily for specific events. These would be required to adhere to the same criteria as the more permanent carts but would be allowed on public property and other non-commercially zoned property. I look forward to discussing this draft and hearing the Commissioner's feedback on the subject.

Respectfully submitted,

Kirk T. Fatland

Kirk Fatland, Contract Planner

FOOD CARTS

The City of Maupin will allow the use of food carts as defined in this title, under the following circumstances.

Food Carts in Commercial Zones

The City Administrator may approve or submit to the Planning Commission to review and approve, approve with conditions, or deny a temporary use permit allowing food carts based on the following criteria.

- (1) Individual food carts shall be permitted for 365 days on a specific property.
- (2) Site Plan Review is not required for the operation of one or two food carts on a single private lot, providing all criteria of this section are met. Operation of three (3) or more food carts require Site Plan Review. No portion of a food cart's footprint shall be located in public right-of-way, unless authorized to do so as a temporary use as described in Section _____ "Food Carts as a Temporary Use in Non-Commercial Zones."
- (3) Food carts shall only be permitted in City zones where restaurants are permitted, which are the GC - General Commercial, RC – Recreational Commercial, Commercial/Residential Transition, and Craft Industrial Zones.
- (5) No part of the food cart footprint shall impede vehicular or pedestrian circulation, ingress, egress, or clear vision areas, as defined by the city.
- (6) Food carts shall not be required to provide additional off-street parking. The total food cart footprint shall not occupy more than 15 percent of a developed business' required off-street parking, as approved in the development's site development review, or as determined by the parking ratios provided in the Maupin Zoning Ordinance Section_____, if no land use approval record is available.
- (7) Food carts shall be set back from all property lines a minimum of one-half the setback distance of the underlying zone district, but never less than five feet from any property boundary.
- (8) Food carts shall be set back a minimum of six feet from all structures.
- (9) Food carts shall be operated on fully inflated wheels, and shall be mobile at all times.
- (10) Drive-throughs shall not be permitted.

(11) Parking and pedestrian circulation for customers of the food cart shall be located on a paved surface. The food cart itself may be permitted to be located on a graveled surface adjacent to the paved surface.

(12) Food carts shall provide sufficient trash and recycling receptacles on site. Food cart owners and operators shall be responsible for the disposal of trash and general site cleanup, daily.

(14) Portable storage structures shall not be permitted on site in support of the food cart operation.

(15) Generators shall not be permitted.

(16) Food carts shall have a written agreement with the property owner, guaranteeing access to restroom and hand-washing facilities for food cart employees and customers, for the full duration of the food cart operating hours.

(17) A host business shall only supply water to a food cart with a valid food cart permit issued for the same property.

(18) Food carts shall carry at all times a fire extinguisher appropriate for the specific equipment and operation of the business. Other requirements of the Oregon Fire Code may apply.

(19) Food cart wastewater shall be contained on the mobile unit and shall be disposed of by a licensed disposal vendor. Food cart wastewater shall not be permitted to enter the city of Maupin wastewater or storm drain system, nor shall it be released onto any property within the city of Maupin.

(20) Temporary fencing erected as a component of the food cart footprint shall not be taller than three feet in height, and shall be subject to the city's clear vision standards.

(21) Any temporary canopy or tent structure provided by the food cart operator for customer seating areas shall be the responsibility of the food cart operator. The city shall not be responsible for inspecting the anchoring of such structures. Tents and canopies shall be capable of being moved at any time. Propane and natural gas heaters shall not be allowed under a tent structure.

(22) Food cart signage must comply with signage regulation in the Maupin Zoning Ordinance.

Food Carts as a Temporary Use In Non-Commercial Zones

The City Recorder may approve or submit to the City Council to review and approve, approve with conditions, or deny a temporary use permit allowing food carts on non-commercially zoned properties, including publicly owned property based on the following criteria.

- (1) Each temporary use permit will be valid for five (5) days.
- (2) Each property is allowed a maximum of six (6) permits in a calendar year.
- (3) When a temporary use exceeds this time frame, the applicant shall be required to remove the food cart or renew the temporary use permit.
- (4) Multiple permits may be issued simultaneously to allow for extended stays up to the maximum allowed thirty (30) days.
- (5) The applicant conforms with Criteria (1)-(21) of the above Section.

DEFINITIONS

To be added:

- (1) “Food cart” means a mobile vending unit, either towed by trailer hitch or self-propelled, used to sell food and beverages intended for consumption on site or to be carried off site by the customer.
- (2) “Food and beverages” sold by food carts shall not include any substance regulated by the Oregon Liquor Control Commission (OLCC).
- (3) “Footprint” means the entire area occupied by a food cart’s operations, including but not limited to food cart, seating area, trash cans, temporary fencing, planters, etc.