



## MINUTES

Planning Commission Meeting & Public Hearing

Tuesday, March 14, 2023

Maupin Civic Center (507 Grant Ave.) and virtually on Zoom

### Call to Order / Roll Call of City Council and Staff / Pledge of Allegiance

Chair Lauren Whitaker called the meeting to order at 4:32 p.m. Roll Call of Planning Commission and Staff was conducted by City Recorder Christine Wolfe.

*Presiding:* Chair Lauren Whitaker

*Commission Present:* Suze Riley, Michael Jones, Jessy Rose, Andy Kreipe

*Commission Absent:* None

*Staff Present:* City Manager Kevin Lewis, Recorder Wolfe, City Planner Kirk Fatland, Administrative Assistant Bronte Dod

*Visitors Present:* Emily Black, Phil Black, Doug Lowell, Margo Rettig, Ben Gates, Rob Miles, Jill Darland, Medy Gantz, Tim Weaver, Sara Morelli, Marni Malefyt, Vicki Ballou

### Consent Agenda

DeOra Patton submitted corrections to the minutes clarifying her comment/question regarding commercial development. Recorder Wolfe said that the draft minutes will also be corrected with voting information.

Commissioner Riley moved to approve the consent agenda with corrections to the draft minutes of the February 28, 2023. Commissioner Rose seconded. No further discussion. The motion passed unanimously.

### Public Comment

No public comment.

### Public Hearing: Comprehensive Plan/Zoning Map Amendment to Redesignate 26 Parcels from Medium Density Residential, Industrial, and Open Space to Recreational Commercial

Public Notice of the hearing was published on the city website, posted locally, and mailed to property owners.

Chair Whitaker opened the hearing to consider a Comprehensive Plan/Zoning Map amendment to redesignate 26 parcels from Medium-Density Residential, Industrial, and Open Space to Recreational Commercial at 4:35 p.m. and read the guidelines. Commissioner Rose declared a conflict of interest and will abstain from the hearing; she is representing a property owner selling a parcel that would be rezoned in this hearing.

Planner Fatland reviewed the staff report. The City of Maupin has proposed this rezone to make zoning and uses in East Maupin consistent. The addendum that commissioners received at the hearing includes a property owned by the Malefyt family in the proposal that is currently zoned Open Space (OS) and Medium Density Residential (MDR); the property owner is in favor of the proposal. This proposal creates opportunities for new housing as well as economic development.

Commissioner Jones asked Planner Fatland if this proposal would limit other properties in Maupin from being rezoned to RC.

Planner Fatland said that it would depend on how the land develops. Commissioner Jones asked if rezoning all this land to RC would stop rezones to RC in other parts of Maupin; short-term rentals (STR) are only allowed in RC. Planner Fatland said it seemed like the intent of only allowing STRs in RC was to concentrate STRs in East Maupin. City Manager Lewis said that there is no set allocation for how to distribute zones in city limits as long as the City meets the goals of the Comprehensive Plan and Housing Needs Analysis (HNA); this proposal would not hinder future rezones to RC elsewhere in Maupin. Commissioner Jones asked about safety in the area if this proposal is approved; how will pedestrian safety be considered going forward? Planner Fatland said that those concerns could be addressed during a site plan review of future development project proposals in the zone, but it is good to consider traffic safety as the area develops.

Chair Whitaker asked if property owner water rights would be affected by this rezone. City Manager Lewis said there is one family with water rights, and the rights would not be affected by the proposal.

Commissioner Jones commented that the HNA identified an excess of MDR. Planner Fatland said that the HNA was based on the assumption of minimal growth, but the general consensus is that Maupin would see higher growth than that. The staff report noted that RC allows all permitted uses of MDR.

Commissioner Kreipe said that the City should consider road and street improvements if more commercial development is possible in the future with this proposal. City Manager Lewis said that the City has been working toward this goal. Planner Fatland said the needs could be noted in the recommendation to Council.

Chair Whitaker asked for public testimony.

Proponents:

Ben Gates (408 and 410 Deschutes Avenue): Reducing restrictions and improving creative ways to achieve economic outcomes is good for the City. Maintaining the ability to build housing is important, which is still achievable with the proposal. Affordable housing is a concern, and the potential to increase STRs in the City should prompt the City to consider where and how to build affordable housing. Agreed with Commissioner Kreipe that road improvements and sidewalk improvements should be prioritized.

Doug Lowell (511 Elrod Place): The Housing Committee of the Community Visioning project is supportive of this project.

Margo Rettig (408 and 410 Deschutes Avenue): The rezone offers flexibility and a variety of solutions for the community's needs. Would be interested to see conversation about the Industrial zone, and asked what industrial means for this century and this

community. Asked if there are smaller scale ways to have industrial entrepreneurship within the commercial zones.

Medy Gantz (504 First Street): Not opposed to the rezone as long as those who live and have homes in the area are supportive of it. Not in favor of STRs anywhere, but East Maupin is an ideal area for STRs if the rezone happens. Does not want this rezone to spread into other residential zones on the west side of Maupin. Would like Commissioners to be very conservative when they do change zones from residential to RC to accommodate for more STRs. Not opposed to this rezone; thinks it is an answer to problems in East Maupin.

Chair Whitaker acknowledged that Jeff McLucas and Marni Malefyt wrote testimony in favor.

Recorder Wolfe asked for clarification about which roads need to have safety addressed. Commissioner Jones said Highway 197.

There were no opponents.

Chair Whitaker closed the hearing at 5:03 p.m. and moved to Commissioner deliberation.

Commissioner Riley is in favor of the proposal. Commissioner Kreipe said the loss of the Open Space "isn't too big of a deal." Chair Whitaker is in favor of unifying the area, but does have concerns about rezoning OS; asked about the intent of rezoning OS to RC if it would be difficult to develop. Commissioner Riley said that OHSU had land in Portland that was deemed difficult to develop and now has hospitals on it; the property zoned OS could be developed at some point. Chair Whitaker responded "to that, I'm also concerned we're rezoning everything to [RC] because I think one thing that's really cool about our town and really beautiful—I think a lot of us live here because there's such wide open spaces and rezoning an open space designated for its beauty and cliffside kind of puts a damper on that in my opinion."

City Manager Lewis said that property owners he spoke to were in favor the proposal. There are no tax implications to changing zones until the property is developed. City Manager Lewis said that these properties zoned OS are privately owned and the current zoning prohibits owners from developing on their property in city limits.

Commissioner Jones asked that looking at Maupin holistically, is there a ratio of zoning that a city would like to maintain for livability? Will the ratio of zoning be impacted for the entirety of Maupin through this rezoning.

Commissioner Rose said "I would hate for someone to start doing something on it, or figuring out a way to, and for me to have to look at it. It's open space because it's supposed to be open space." [*Recorder's Note: Commissioner Rose abstained from the hearing and should not have participated.*]

Commissioner Kreipe asked if Commissioners could recommend to rezone some of the parcels and not include those zoned OS. Planner Fatland advised how to proceed with a motion that way. City Manager Lewis said that not proceeding would stop property owners' private development and brought attention to more inconsistencies that would be fixed in the rezone. Chair Whitaker said she still has questions about the intent of rezoning OS. Planner Fatland advised about intent of cleaning up split-zoned parcels as well. Commissioners discussed the map and parcels and the process a property owner would have to go through for a rezone. Commissioner Kreipe said that all property owners who are in favor of the rezone should be at the meeting to answer their questions. He asked if Deschutes RV was present. City Manager Lewis said they are not in attendance but are in favor of the rezone. Commissioner Kreipe said that if they can't have questions answered by property owners then the Commissioners should reconvene the hearing at a later date. Chair Whitaker agreed with Commissioner Kreipe and said she has a lot of hesitations about rezoning the taxlot owned by Deschutes RV.

Commissioners asked how to proceed with a motion. Commissioner Kreipe said he would need more attention on the parcels with OS zoning instead of proceeding with the rezone as a whole.

Commissioner Riley moved to recommend to City Council a comprehensive plan/zoning map amendment to rezone the listed 26 parcels, with the exception of any parcels zoned Open Space in the area, from Medium Density Residential and Industrial to Recreational Commercial. Kreipe seconded the motion. No further discussion. Motion passed on a 4-0-1 vote. (Ayes: Whitaker, Riley, Kreipe, Jones; Nays: None; Abstain: Rose.)

Chair Whitaker accepted a comment from Marni Malefyt, whose family owns a parcel partially zoned OS.

Marni Malefyt (200 Williams Ave.): Stated her support for the rezoning to RC and would like the property to be included in the rezoning. She stated there is a cost to apply for a rezone in the future; if the City is proposing a rezoning for other parcels, it is unfair to not include their parcel. They would like to develop pieces of the parcel someday; if East Maupin is going to be rezoned RC, then they would like to be included. Chair Whitaker asked which parcels Marni Malefyt was referring to. Planner Fatland clarified the map of parcels. Commissioners discussed the

parcels. Marni Malefyt said there are other parts of the property that could be developed. The family feels that they should have the same opportunity to develop that the other properties are gaining; the property is in city limits, there is plenty of open space around the property and around the entire town.

Commissioners said they were not aware the parcel was going to be included in the zoning. Planner Fatland asked why that property is different. Commissioners said it is because of the cliffside. Planner Fatland asked if development was the issue. Commissioners discussed potential development. Commissioner Kreipe suggested that commissioners have a discussion with property owners and return to the proposal. Chair Whitaker agreed. Recorder Wolfe said that if commissioners are offering a discussion with one property owner, they need to offer that to the other property owners of parcels in question. Commissioner Riley asked for clarification on properties in question. Planner Fatland advised on a motion.

Commissioner Kreipe moved to rescind the previous motion and revisit the proposal next month. Commissioner Riley seconded. No further discussion. Motion passed on a 4-0-1 vote. (Ayes: Whitaker, Riley, Kreipe, Jones; Nays: None; Abstain: Rose.)

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**Consider: Site Plan Review to Change the Use of Taxlot 4S 14E 32 CD 2600**

Planner Fatland reviewed the staff report and advised commissioners on their role.

Commissioner Rose moved to approve the site plan review allowing the change of use to a coffee shop for Taxlot 4S 14E 32 CD 2600, owned by Perry Management LLC, and adopt the staff report as presented. Commissioner Riley seconds. No further discussion. Motion passed on a 4-0-1 vote. (Ayes: Whitaker, Riley, Rose, Jones; Nays: None; Abstain: Kreipe.) Commissioner Kreipe said he abstained because his business is a competitor of this business. Recorder Wolfe said rules for abstaining need to be clarified.

Recorder Wolfe asked applicant about approval to use the parking lot across the road. Applicant said they have approval.

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**Discussion: Food Cart Pilot Program Review**

Commissioner Jones presented a summary of the Food Cart Pilot Program (Ordinance No. 319) that was in place Summer 2022, which could be considered a failure because of the lack of participation.

Commissioners discussed the program, including hurdles to getting food carts to Maupin, procedure and policy issues with the ordinance, and incentivizing local food cart entrepreneurs.

Chair Whitaker asked if there should be another pilot program in 2023. Commissioner Jones said in summer there is a need during peak season for additional food options, and it could add an

additional attraction to Maupin. Commissioner Kreipe said a couple issues with the ordinance would need to be clarified; there is interest in food carts this summer.

Commissioner Jones suggested that commissioners should send a report and recommended amendments to the ordinance to Council.

Commissioner Riley said two food carts have applied to operate for Maupin Daze and Maupin Madness. Commissioner Jones said event-based food carts may be the "best-use case" for Maupin. Commissioners discussed fees.

Chair Whitaker does not support food cart pods as a possible amendment to the ordinance. Said that negative reaction to food cart pilot program originally was that "we don't want to make Maupin Portland." Chair Whitaker said parking is an issue. City Manager Lewis said that Planning Commission has already approved a food cart pod in a site plan review for the Deschutes River Athletic Complex. Chair Whitaker said that they should be more specific on where pods could be allowed. Recorder Wolfe clarified the role of commissioners.

Commissioner Jones suggested to loosen rules for this year to gain more carts, since state and county health standards will still be required. Commissioners discussed fee schedule, cart classification, and marketing.

Planner Fatland will draft an ordinance for commissioners to discuss at the April meeting. Commissioner Rose said she will not be at the meeting but is in favor of food carts.


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**Adjourn**

The next meeting will take place on Tuesday, April 11 at 4:30 p.m. Commissioner Jones would like to get ahead of rezoning to shape the community. Would like Commissioners to visit application site. Commissioners agreed to meet at 2 p.m. on Tuesday, March 21 for a work session and site visit. The meeting will be noticed and will begin at the Civic Center. The April 11 meeting will include the public hearing for rezone proposal and a working session on food carts. The meeting was adjourned at 6:04 p.m.

Respectfully Submitted by Christine Wolfe, City Recorder

SIGNED:   
Lauren Whitaker, Planning Commission Chair

ATTEST:   
Christine Wolfe, City Recorder