



**REGULAR PLANNING COMMISSION MEETING & SPECIAL SESSION OF THE  
DETROIT CITY COUNCIL – JOINT PUBLIC HEARING MINUTES  
Tuesday, February 25, 2014**

**1. CALL PLANNING COMMISSION MEETING TO ORDER** – Planning Commission Vice Chair Eric Page called the meeting to order at 6:35 PM.

**ROLL CALL** – Eric Page, John Hankins and Kevin Hills, Absent with notice: Dean O'Donnell. Eric declared an Ex-Parte contact in that he received a letter informing him of the land use because he was in the required notification area.

**2. CALL DETROIT CITY COUNCIL SPECIAL SESSION MEETING TO ORDER** – Mayor Flanders called the meeting to order at 6:36 PM

**ROLL CALL** – Shari Flanders, Sandy Franz, James Bradley, Greg Sheppard, Mark Messmer and James Trett. Absent: None. Councilors Messmer and Trett also declared an Ex-Parte contact having received the notification of the land use proposal.

**Staff Present:** Christine Pavoni City Recorder, Deborah Hastings City Clerk, Marjorie Mattson City Planner. **Citizens Present:** Will VanVactor, John Elwood, Kim Fowler, Sandy Emery Elwood, Holly Campbell, Jack Campbell, Bob Franz and Yvonne Messmer

**3. PLEDGE WAS RECITED**

**4. CLOSE PLANNING COMMISSION MEETING** – Vice Chair Eric Page closed planning commission meeting at 6:37 PM

**5. CLOSE CITY COUNCIL SPECIAL SESSION** – Mayor Flanders closed the special session meeting at 6:37 PM

**6. OPEN PUBLIC HEARING** – Vice Chair Page and Mayor Flanders both opened the public hearing at 6:39 PM. Vice Chair Page stated that this is a Public Hearing to discuss an application to change the designation of the property located at 345 Santiam Avenue West from Public (P) to Single-Family Residential (SF) and rezone said property from Public (P) to Single Family Residential (RS). Eric turned the meeting over to the City Planner Marjorie Mattson to go through the Staff Report.

**Staff Report:** Marjorie Mattson stated that the title of the application is comp plan map amendment and zone change 345 Santiam Avenue W. 2014. Oregon Land Use law requires several items be read into the record at the beginning of each and every public hearing. She reported that the applicable substantive criteria upon which this case will be decided are found in the Detroit Development Code section 4.7.3. All testimony, arguments and evidence must be directed toward these criteria or other criteria in the Detroit's Comprehensive Plan or Development Regulations, which you believe applies to the decision. She read statement of rules by Oregon law and that public agencies are allowed to comment and noted that the City solicited comments prior to the hearing. All persons speaking before the Planning Commission/City Council must state their name and address for the record and if the applicant or anyone else wants to leave the record open to continue the hearing then she has information that she will need to read. She gave a brief overview of the staff report and the conditions of approval recommended by staff, (copy of staff report attached to the minutes). That the only issue that's being considered tonight is whether or not the city should change its comp plan designation from Public to Single Family Residential and whether or not the property should be rezoned from Public to Single Family Residential. She said the staff report is part of the record,

which includes the attachments. An email received from Larry and Kathy Marr will also be submitted into the record. Marjorie stated that staff is recommending that Planning Commission recommend to the City Council approval of the Comp Plan Zone change. She said this is being done as a joint hearing, that Planning Commission and City Council is hearing all of the testimony together. They will then close their hearings and the City Council will exit while the Planning Commission deliberates. After they make their decision, council will come back in and open up the record to hear what the Planning Commission recommended, deliberate and make a decision. She informed them that they could ask her questions now or can wait until the applicant has spoken and public testimony is at their discretion.

**Applicant's Attorney:** Will VanVactor introduced himself as attorney for the applicant BFD LLC and gave his address. He stated that he feels their narrative statement they submitted with their application speaks well to why the zone change and land designation amendment is appropriate. To summarize he said the location and physical characteristics of the property are ideal for residential development. It is located in an area close to the lake, it's flat so you can develop it with 10,000 square foot lots fairly easily with septic systems and the drainfields with relatively no constraints because of steep hills and trees and other sorts of restrictions that may limit the ability to develop residential lots elsewhere in the City of Detroit. He said as they explained in their narrative statement, there is a need for residential land. The need analysis that was done in 2001 was based on the assumption that a sewer system would be completed in or around 2003, that obviously didn't pan out, the city subsequently adopted some minutes to the Comprehensive Plan on page 41 on the amended copy, its noted that the city abandoned its plans for a sewer. It sounds like there is still talks to have a sewer, but at this point it sounds pretty speculative and he would hesitate to make any sort of planning decision based on the potential existence of a sewer (inaudible). As explained in the needs analysis based on the assumption that the city would be able to develop residential property at 6.22 units per acre on the assumption there would be a sewer plan, as he just discussed, and has been abandoned, at least temporary. As the comprehensive plan notes, actual development within the City of Detroit happens at 1.3 units per acre, so it has to be more spread out then it would if the city had a sewer. Based on that figure if you take into account that the city needed 127 residential units as the comprehensive plan notes, there is a need for approximately 97 acres of residential lands. At the time the buildable land inventories were done in 2001, there was only 55 acres of available residential land for development so there is a deficiency of approximately 40 acres that is needed to meet the 2020 plan for residential land. He explained that their proposal is for 7 acres that would help the city move towards meeting the needs outlined in the comprehensive plan. Mr. VanVactor said that one of the things they didn't really emphasize in their narrative statement is that under current zoning the subject property can be developed with government offices or another school, that they believe those uses are more intense than residential use and feels it would benefit the surrounding area to remain consistent. He informed the Council and Planning Commission he would answer any question they may have at this time. Planning Commissioner Kevin Hills asked if there was only one access to the property and if there would be an access off Patton. Mr. VanVactor responded that would be an issue when there are actual plans. Commissioner Hills added he was just wondering if maybe there was plans for increased traffic on Santiam and if was going to be addressed. Mr. VanVactor stated that he thinks the public facilities impact statement that was submitted indicated that traffic would actually be a little bit less with the residential development and would not expect that traffic would increase, but there may be points where there is either egress or ingress; that he didn't know but would be something that would come up at the time of development.

**Public Testimony** – The Mayor asked for any public testimony or comments, there were none.

**Written Comments** – Mayor Flanders asked for any written comments, there were none

**Verbal comments** - None

**Questions from Planning Commission** - None

**Questions from City Council** – Councilor Greg Sheppard inquired if they change the school building to residential if somewhere down the line if they wanted to start a business in some of the rooms there in the school or the gym, would they be able to get a conditional use permit and Mayor Flanders said that would have to go to council. Kim Fowler added that there are provisions under the city code for residential zone land to use the school, which is one of the things he had been talking to DLRABA about. That this does not cut if off that it couldn't be used.

**Closing Comments** – City Planner Marjorie Mattson told the Planning Commission and the City Council that they would now close the hearing for Public Testimony.

**7. CLOSE PUBLIC HEARING** – Vice Chair Page for the Planning Commission and Mayor Flanders for the City Council, closed the Public Hearing at 7:03 PM. City Council left the meeting chambers.

**8. REOPEN PLANNING COMMISSION MEETING** – Vice Chair Page reopened the Planning Commission meeting. He asked for any comments from the commissions. Discussion followed after concerns were brought forth by Commissioner Hills regarding traffic studies, accesses, etc. Vice Chair Page explained that would all come during the planning process, that at this point they have to make a decision based on the zoning of that property. Are they going to allow a public style building to happen there or do they want to allow a residential style building there, which one makes the most sense for the reuse of that property. Commissioner Hankins commented he would like to move forward and proceed, that he likes seeing progress in the city; that they can keep an eye on this as it progresses to make sure they are not hurting the community. Vice Chair Page added that he agrees, that when you look at the acreage and what was in the plan to begin with and the deficiency that is in play and the way that property is positioned in town verses something on a side hill and that our water is easily brought in there. He thinks there is a likely-hood for that property to correctly be developed and blend in with the community. And in that process there is some potential for the previous school to move forward finally into a usable product for the city. That as it sits now, we have an aging dinosaur on our hands and it's probably time to put it into play to move forward and getting into residential is the only answer. All the Commissioners agreed. Vice Chair Page read page 6 of the staff report under planning commission action, which gave four options. Vice Chair Page reopened the Public Hearing to read into the record an email from Planning Commission Chair Dean O'Donnell who could not attend the meeting tonight and would like to voice his opinion on the decisions made. The question asked of them should they recommend the rezoning of this property from Public to Single Family Residential. That in his opinion the most logical and best decision for the city as a whole is yes. In the past, this area was public based on the needs of the city for a school. With the movement of closing more and more schools in the canyon, it is obvious that the City of Detroit will not see a need for a school for some time if ever. That he would like to recommend the planning commission make the following motion: B: Recommend to the City Council that the council approve the comprehensive plan map amendment from Public to Single-Family Residential and the request to rezone property identified as 345 Santiam Avenue W. from Public to Single-Family Residential with modifications as determined by the planning commission in stating the modifications as part of the motion. The modification stated would be that the developer shall follow any changes made to the city's comprehensive plan made prior to the development. That his reasoning for using option B is the fact that the City of Detroit comprehensive plan is in need of updating and/or changing to better meet the needs of the community. One example is the requirement for curb and gutter in new developments. The City has no plan for storm/sewers. Without Storm/sewers to collect and direct water curb and gutters will only lead to problems for the city and possibly other landowners in the area. The planning commission is currently working on recommended changes to the city's comprehensive plan. While we are currently looking at modifications, there is no reason not to vote on this rezoning request. Vice Chair Page stated it is open for public comment. Mr. VanVactor stated that at the time an application is submitted for development the applicable code section applies at that time and so will the comprehensive plan. That he doesn't think his modification makes sense because that is what the law is and doesn't think it is a necessary inclusion, but if that is what makes the planning commission comfortable he certainly wouldn't (inaudible). Vice Chair Page stated that obviously with the comprehensive plan in place right now he doubts we are going to see Mr. Fowler burning rubber up the street tomorrow to get his plan into city council and suspects he is going to be waiting to see if they get the comp plan adjusted a little bit, which has been talked about, not just related to their project but multiple other projects. Does our current comprehensive plan necessarily make any sense to our city right now, that they (planning commission) have had extensive discussion on that. That whatever is in place at the date of application is what will be applicable. Vice Chair Page closed the public comments. Vice Chair Page asked for a motion to go with option A on the planning. Commissioner Hills moved that Planning Commission recommend to the City Council that the council approve the comprehensive plan map amendment from Public to single-Family

Residential and the request to rezone the subject property identified as 345 Santiam Avenue W. from Public to Single-Family Residential based upon the findings as presented in the staff report, motion was seconded, all in favor, Page, Hankins and Hills, the motion passed.

**9. CLOSE PLANNING COMMISSION MEETING** – Vice Chair Page closed the meeting at 7:20 PM.

**10. REOPEN CITY COUNCIL SPECIAL SESSION MEETING** – Mayor Flanders opened the meeting at 7:28 PM. She asked Vice Chair Page what their recommendation was, he replied the planning commission voted for option A on page 6 of the staff report, that the Planning Commission recommends to the City Council that the council approve the comprehensive plan map amendment from Public to single-Family Residential and the request to rezone the subject property identified as 345 Santiam Avenue W. from Public to Single-Family Residential based upon the findings as presented in the staff report. The Mayor asked if council had any deliberations, there were none. Councilor Mark Messmer motioned that the city council approve the Comprehensive Plan map amendment from Public to Single-Family Residential and the request to rezone property identified as 345 Santiam Avenue W. from Public to Single-Family Residential based upon the finding as presented in the staff report, motion was seconded, All in favor; Bradley, Franz, Flanders, Sheppard, Trett and Messmer, no nay votes were heard, motion passed. Council directed staff to draw up an Ordinance.

**11. MAYOR SHARI FLANDERS CLOSSES CITY COUNCIL SPECIAL SESSION** – Mayor Flanders closed the special session.

**12. ADJOURNMENT** – Councilor Franz motioned to adjourn, motion was seconded, all in favor the motion passed. Meeting adjourned at 7:30 PM.

Signed: \_\_\_\_\_  
Eric Page, Planning Commission Vice Chair

Attest

Signed: \_\_\_\_\_  
Sharyl Flanders, Mayor

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Christine Pavoni, City Recorder

Transcribed by Deborah Hastings, City Clerk