



DETROIT CITY COUNCIL
Planning Commission Regular Session & City Council Special Session
Joint Public Hearing Minutes
Tuesday, May 22, 2018

1. **CALL TO ORDER:** Planning Commission Chair Kevin Hills called the planning commission meeting to order at 5:35 PM
2. **ROLL CALL** – Kevin Hills, Elaine DeGeorge and Dean O'Donnell. **Planning Commissioners absent** – Dave Layman
3. **CITY COUNCIL CALL TO ORDER:** Mayor Jim Trett called the special session to order at 5:35 PM.
4. **ROLL CALL – City Council Present:** Larson Hills, Engle, Trett, Sheppard and Manthe **Absent:** Ruyle with notice. **Staff Present:** Christine Pavoni City Recorder, Deborah Hastings City Clerk, Lisa Brosnan City Planner (COG) **Citizens Present:** Paul & Dottie Carr, Will VanVactor, Kim Fowler, Bill Tucker, Jerry McMurphy and Michael Roth
5. **PLEDGE WAS RECITED**
6. **CITY COUNCIL** – Mayor Trett stated they have an application from Ed Davenport to fill a position on the planning commission. Councilor Manthe motioned they appoint Ed to the planning commission, motion was seconded, all in favor; Engle, Larson-Hills, Trett, Sheppard and Manthe, motion passed. Ed took the oath of office.
7. **OPEN PUBLIC HEARING** - Planning Commission Chair Kevin Hills opened the Public Hearing for Planning Commission at 5:37 PM, and Mayor Jim Trett opened the Public Hearing for City Council at 5:37 PM. Mayor Trett reported that he would be presiding over the meeting. That this is the time and place set for the public hearing in the matter of Sub-Division 2018-01 and Variance 2018-02 requesting a sub-division of a 5.17 acre site into 19 lots in a single family residential zone and a class B variance section 3.4.1 (M) of the Detroit Development Code, to allow for a cul-de-sac length of 350-feet with a circular turn around with a 45-foot radius, to serve 18 dwellings. Oregon land use laws require several items to be read into the record at the beginning of a public hearing. That the City Planner would read the material. Lisa Brosnan stated that she is a Planner with the Mid-Willamette Valley Council of Governments, on contract with the City of Detroit. She then read the hearing disclosure statement for the record. Mayor Trett asked if there were any objections of the notice sent in this case, or to the jurisdiction of the council to hear and decide this case; there were none. He asked council and commission members if there were any exparte contact, conflicts of interest or bias; there were none. The meeting was turned over to Planner Lisa Brosnan to go through the **staff report**. She stated this is a type III procedure considered initially by the planning commission, with the final decision being made by the council. The variance is a type II procedure, that are typically made by the city recorder with a public notice and an opportunity for a public hearing, but because the variance is integral to the design of the sub-division, both applications will be heard concurrently by the planning commission and the council. Lisa said she would begin with the variance to the transportation design standards. That it may be granted through a Class B variance and this is only if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands. This is under 3.7. M. Cul-de-sacs. It says all dead end streets shall be no more than 200 feet long, shall not provide access to greater than 8 dwelling units and shall only be used when environmental or topographical constraints, existing development patterns or compliance with other standards preclude a street extension and thru circulation. She said they find the size and shape of the subject property, along with its location, with only one street frontage and surrounded by existing development and a public park, makes any street

configuration other than this long cul-de-sac that is proposed, really infeasible. That the existing development precludes the possibility for thru circulation from the sites. In consideration of public safety, the City defers to the Fire Department. According to the 2014 Oregon fire code, what would be allowed for a dead end road under 500 feet, is a 96 foot diameter cul-de-sac, in addition, the width of the road at the fire hydrant location is 26-feet. A condition of approval has been included requiring a 96 foot diameter cul-de-sac bulb with a minimum road width at the fire hydrant of 26-feet. That there are criteria for approving this variance and the application needs to meet the following criteria: that there are no shared access with adjacent properties, no other alternative access points on the street or from another street. If there are no other alternative access points on the street or from another street and the access separation requirements cannot be met, these criteria have been met. The request is the minimum adjustment required to provide adequate access. The proposed length of the cul-de-sac of 350 feet to serve 16 lots is the minimum necessary to provide adequate access to these lots. A condition has been added that they revise the tentative plan to show a 96-foot diameter cul-de-sac and a 26-ft road width. Lisa stated the next criteria needing to be met is an approved access or access approved with conditions that will result in a safe access. The plan was reviewed by the city engineer and the Idanha Detroit Fire District, who have stated that with the proposed conditions the circulation and access proposed in the tentative plan is a safe and sufficient means of circulation for the proposed sub-division. She added that the next criteria is for the visual clearance requirements be met and that a condition has been included stating that the sight distance requirements be met with a proposed intersection with Santiam Avenue. Lisa stated this concludes the variance and will move on to the sub-division. She said that it meets the standards of the single family zone, and finds that the proposal allows for the development of adjacent property in accordance with the provisions of the Detroit code. For access and circulation there are two lots indicated on the tentative plan that are proposed to access Santiam Avenue directly. Lots 3-18 are proposed to access the cul-de-sac. A condition is included, requiring permits be obtained from the city for access to city streets. The City Engineer provided comment on the proposal and has indicated that no traffic study would be required. As a condition of approval will be required to supply all applicable access permits for the development and will be required to record any reciprocal access easements for shared driveways. Lisa stated we do have standards for block length and perimeter, but because the site is bounded on three sides by existing development and the park, only one access is available, therefore the creation of blocks is not feasible because of the size and shape of the lot and the existing development. A condition has been included that requires an easement on the east side of the site to allow pedestrian access between the cul-de-sac and the park, and that the criteria can be met as conditioned. Lisa stated that we have transportation standards that will relate to the variance. A 350 foot cul-de-sac to serve lots 3-18 that is in excess of the 250 foot maximum allowed to serve 16 lots where the maximum is 8. Conditions are included, requiring the applicant to meet the standards of the Transportation System Plan and to submit a non-remonstrance agreement for the frontage along Santiam Avenue. She said that we do have conditions related to sewer and water service improvements. The water main has to be sized to insure minimal pressure loss and to provide for future fire flows to the proposed lots. There is a condition for storm drainage improvements requiring storm drainage to be provided as detailed in a storm water management plan. There is a condition that all utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities to be placed underground, that she finds those standards can be met as conditioned. Also included is a condition requiring that easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities be dedicated on the final plat through easement. A condition is included requiring that no public improvements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued and that all improvements installed by the developer shall conform to the requirements of chapter 3 of the development code. Lisa stated that this proposal had been reviewed by the city engineer who determined that public facilities have adequate capacity to serve the proposed subdivision and finds that all criteria can be met or met as conditioned. Staff concludes that the applications comply with the applicable decision criteria as conditioned and staff recommends that the planning commission make a recommendation of approval and that the City Council adopt the findings in the staff report and approve subdivision 18-01 and variance 18-02. Mayor Trett gave the floor to Applicant. **Applicant Testimony** - Will Van Vactor representing the applicant BFD LLC, stated in regards to the variance, they are

requesting the variance because of the topography constraint that Lisa described in the staff report. The subject property is surrounded by development and future development of the park and there is only a limited spot on Santiam they can have for access to the property. That the variance is really a matter of necessity because there is no other way to provide access to the 16 lots. He said the only condition they have an issue with is number nine that would require an easement from basically the end of the cul-de-sac to the park and their concern with that is security. That what is most likely going to happen is both lots run along the property line will most likely build a six foot fence for their own privacy. That with this narrow path that goes between them creates a tunnel effect and feels this would pose a real security issue. Because all the lots will have access to Santiam via the cul-de-sac and doesn't think it's a lot added requiring that easement that felt the security concerns outweigh the benefit of access to the park. And asked they discuss that and hopefully agree the security concerns outweigh the need for that condition. **Proponent(s) Testimony** – Lisa Brosnan read a letter from Tony Helbling 195 Butte N into the record, that he supported the approval of the subdivision and variance adding 18-homes to town will bring in additional sources of property tax, water revenue and associated disposable income expenditures. These contributions to city administration and local business, both struggling with current economy outweigh costs that may be associated with the variance. **Opponent(s) Testimony-** Michael Roth of 405 Clester stated he is actually a proponent. He brought maps and read a letter he had written regarding a giant split tree trunk along his south property line which is the north property line for the new development; that they are terribly worried about that the giant fir tree would fall on their cabin during a wind storm, and feel that future foundation work on new homes will increase the odds of this devastating event. Michael pointed out two letters that were written, the first dated March 2018 they wanted to let the owner of the tree be put on notice of the tree trunk split so their insurance would be liable for any damage or catastrophic bodily harm. Second letter was their response that the tree was safe. He said for the safety of the three cabins south of the tree and future homes near this tree in the new development, please consider making a condition of approval to remove this large tree. That his issue is public safety, which wasn't really brought up, for the safety of his family. Paul Carr 335 Clester, neighbor of Michael Roth. Regarding the tree that Michael mentioned, he had two loggers say if that was in their back yard they would have it down; that when a tree splits depending on how they fall, could wipe out one to three homes in the area; that he talked to Consumers Power about it and unless it's affecting the power lines they won't touch it; that they trim the branches around the lines but won't cooperate in having the tree removed; that he feels it is a safety hazard and has been put off quite a while and supports removal of that tree. There were no comments or questions from the public. **Planning Commission** – Commissioner DeGeorge asked what the square footage of the houses were going to be. Kim Fowler said he is not building the homes, he is selling the lots. Christine said they can use 60% of the property including outbuildings. Will Van Vactor added there is a balance that has to happen because of the septic, drainfield, etc. Commissioner Hills asked what kinds of septic systems were approved and Kim said they are all the same ATT systems. Will stated that Marion County did a very detailed analysis of every lot. But someone could do a variance if they wanted to put the home in a different place. Kim said they drew up a 1,200 square foot home box, with a two car garage box and put that on every site to show them that you could virtually have a single story garage with a 2400 square foot two story home and still have room for boats, drainfields, so there is plenty of room to manipulate. **City Council** – Councilor Sheppard asked if there were any provisions for street lights and Kim Fowler said they hadn't got that far that now they will go back and do the utilities. Will Van Vactor added that they talked to Rob (City Engineer) about traffic impact and the conclusion was the subdivision wasn't going to have a significant impact on transportation that would warrant that sort of improvement at this time. Kim Fowler added that when he goes to the utility company he is going to ask them about having one towards the end of the cul-de-sac. Councilor Sheppard said there also needs to be one on Santiam that it's a real dark area there. Kim said they are going to be having discussion about the transformers that used to go to the school there and about getting underground utilities. Commissioner Hills asked if he'd addressed the storm water runoff, that there are no drains as far as he knows on Santiam. Will responded that their engineer did an impact study and was included with the application. Councilor Engle asked City Planner Lisa Brosnan why we were requiring an easement so someone could enter the park. Lisa stated that the code does allow for connectivity so people walking from the subdivision. That she does agree that the applicant makes a good point about a tunnel, so she leaves that to all of them if they want to leave the

condition in or take it out. Dean O'Donnell asked if the city has a code saying they have to have a fence, which was no, so leave it for the homeowner to decide. Mayor Trett commented that he is concerned about the split tree, that he's been told by an arborist that a split tree goes easy and asked if they would be open to taking that tree out. Kim Fowler responded that his attorney was contacted and that he had an arborist take a look at it and he said the tree was really healthy, that worst case scenario they could pin it, run a cable and that's what they sent back to their attorney. That more than likely a lot is going to change as soon as they start developing and selling lots. That any tree's that are in the drainfield area will have to come out. Recorder Pavoni asked Lisa if this was even in the scope of this to include trees and Lisa said no. Councilor Manthe agreed with the Mayor regarding the tree. **Applicant**

Summary/Rebuttal – Will Van Vactor stated that the tree is an understandable concern, but as Christine pointed out it is kind of beyond the scope of or inappropriate to discuss as part of this application.

8. CLOSE PUBLIC HEARING – Planning Commission Chair Kevin Hills closes Public Hearing for PC at 6:16 PM and Mayor Trett closed the public hearing for city council at 6:16 PM.

9. PLANNING COMMISSION – Commissioner O'Donnell motioned to make a recommendation to the City Council to approve the request for Subdivision and Variance with finding and or conditions of approval as modified to eliminate condition 9, the easement, motion was seconded, all in favor; O'Donnell, Hill and DeGeorge, motion passed.

10. CITY COUNCIL – Councilor Manthe motioned to approve the planning commission recommendation and to exclude condition 9, motion was seconded, all in favor; Sheppard, Manthe, Trett, Engle, and Larson Hills, motion passed.

11. MAYOR JIM TRETT CLOSSES CC SPECIAL SESSION – Mayor Trett closed the special session of the city council at 6:20 PM.

12. PLANNING COMMISSION APPROVAL OF MEETING MINUTES: Committee Chair Kevin Hills asked for approval of the regular meeting of February 27, 2018. Motion was made by DeGeorge to approve, motion was seconded, all in favor; (3) Hills, O'Donnell and DeGeorge, Abstain (1) Davenport, motion passed. Meetings minutes of March 27 and April 24 could not be approved because of no quorum.

13. ADJOURN – Commissioner O'Donnell motioned to adjourn, motion was seconded, all in favor; O'Donnell, DeGeorge and Hills, motion passed. Meeting adjourned at 6:24 PM.

Signed: _____
James Trett, Mayor

Kevin Hills, Planning Commission Chair

Attest

Christine Pavoni, City Recorder