



DETROIT CITY COUNCIL
Detroit City Council Regular Session & Planning Commission Special Session and
Joint Public Hearing Meeting Minutes
Tuesday, July 9, 2019

1. CALL TO ORDER: Mayor Trett called the City Council meeting to order at 6:06 PM

ROLL CALL – Eric Page, Vickie Larson-Hills, Julie Gunderson, Jim Trett, John Manthe and Shelley Engle, (Greg Sheppard in at 6:25 PM).

PLANNING COMMISSION CALL TO ORDER: Chair Kevin Hills called the special session to order at 6:06 PM

ROLL CALL – Dean O’Donnell, Kevin Hills and Elaine DeGeorge **Staff Present:** Christine Pavoni City Recorder, Kelly Galbraith Deputy Recorder, Deborah Hastings City Clerk and Lisa Brosnan City Planner

Citizens Present: List attached as part of the minutes

2. PLEDGE WAS RECITED

3. DECLARATIONS OF CONFLICT OF INTEREST AND EX-PARTE CONTACT - None

4. PUBLIC HEARINGS TO DECIDE UPON THE FOLLOWING REQUEST: Development Code amendments in all zones, including language associated with definitions, recreational vehicles, open camping, and accessory structures. Code corrections to identified errors and inconsistencies.

OPEN PUBLIC HEARINGS - Mayor Trett and Planning Commission Chair Hills opened the public hearing for City Council and the Planning Commission at 6:09 PM. City Planner Lisa Brosnan read the hearing disclosure statement for the record. **Staff Report** – Lisa Brosnan explained that this is a text amendment to the Detroit Development Code which is a legislative amendment and decision are made by the City Council. They are reviewed using the type IV procedure in Chapter 4.1.6. The Planning Commission will make a recommendation to City Council regarding the proposed text amendment. That the City Council voted to initiate the amendments including recreational vehicles, accessory structures, hillside excavation, grading plans and vacant commercial property, on September 11, 2018. Notice of this Joint Public Hearing were published in a newspaper of general circulation on June 28, 2019, at least 10-days before the scheduled hearing, per the requirement of section 4.1.6 of the Detroit Development Code. The Department of Land Conservation and Development were provided notice on May 16, 2019. Lisa explained the process for the public hearing. That this is a hearing for development code amendments including those associated with recreational vehicles, open camping, development standards for accessory structures and developer requirements for hillside excavation and grading plans when there is no associated land use action and several miscellaneous changes to errors and inconsistencies in the code. She said in 2011 when the RV code was passed it was hoped that allowing RV’s on properties people would be able to move into their RV’s while they were building a home. In the eight years since there have been a lot of troubles with RV’s and has gotten out of hand. The changes proposed is to scale back, with three RV’s being the maximum allowed. She went through the analysis of applicable criteria on which the planning commission and city council would base their decision and consideration on. She went through the major points of the proposed changes. 3.6.3 for recreational vehicles on developed single family zoned land from April 1st through October 31st, instead of two RV’s being allowed to be parked on the property is proposed to drop it down to one and renting or leasing an RV or RV space, separate of a full time lease of the property is prohibited. From November 1st through March 31st change from two RV’s to one up to the maximum of 30 days and renting or leasing an RV or RV space, separate of a full-time lease of the property is prohibited. Where it says RV may be self-contained, language was added; “or pumped by an accredited septic service”. A person who has a single-family house in the residential zone can get two more RV’s following a type II procedure, which is an administrative decision. She read the added criteria that staff would following in processing an

application for a permit requesting additional RV's. The next section that was looked at was accessory structures that are RV related in the developed single-family zone. Language was added that accessory structures must conform to chapter 3.8 regarding the regulations for accessory structures. Lisa said also changed are the requirement for the undeveloped residential and multifamily zoned land from two to one RV permitted with one parking space per RV. Any additional RV would require a permit from the city under the same standards as the developed single-family zone. An accessory structure would be prohibited. She moved to RV storage, an RV that is unoccupied. It would have to adhere to the zone for setback requirements, trailers are also included under this, which would allow one RV and one boat/trailer. She said there is also a section for this type of property for RV related accessory structures, where they would only be allowed where accessory structures are permitted. Under other for situations that are not cover and there are certain circumstances, a permit could be applied for using the type II procedure by the city. Lisa stated under the developed single family and undeveloped single-family zone for open camping/tents, language was taken out to allow additional tents. Next code changes were for accessory structures in chapter 3.8 of the development code, in the residential zones for height. Changing the maximum height of any accessory structure to 25-feet, if the structure is less than 600 square feet then height cannot be taller than 80% of the height of the primary structure. Setbacks shall be the same as the primary structure except for in the commercial general zone, which shall be located a minimum of ten feet behind the front façade of the main building. The language was removed allowing them right on the property line. Lisa said other miscellaneous changes were made where there were some inconsistencies or errors in the code that were found over time while doing projects or proposals. She said the Detroit Avenue corridor design standards were further defined. That the corridor is Detroit Avenue North between D Street and Forest Avenue. A requirement was added that fences or walls facing Detroit Avenue shall be no taller than three feet and shall be constructed of brick, stone, log, wood or wood appearing materials. And that the use of chain link, cinder block and concrete slab walls are not allowed. Flagpoles were also looked at and language was added that flag poles to display American, State of Oregon or City of Detroit flags are permitted in the public zone, provided they do not exceed a height of thirty-five feet. Lisa stated a section was added that a permit for grading or excavating would be required in the level two and three slope areas even if it does not have a land use permit associated with it, and would be handled by the City Engineer. Lisa stated this is the time to hear from the public. First is the **proponent's testimony**, those in support of the amendments. Each person has three minutes to speak. Questions for verification regarding number of RV's and Excavation Permit were taken from Randy Jackson, 260 Guy Moore Drive. **Opponent(s) Testimony**, (those not in favor of the code amendments). Lisa stated that the city should hold their comments until everyone is done. Testimony was heard from the following citizens that were opposed to the RV Code amendments. James Weigel 100 Simkins, Gina Audritsh 215 Boulder, Carol Yoder 215 Boulder, Tracy Goettsch 105 Howe, Ken Woodward Osprey Lane, Cory Baker 220 Lakecrest, Lane Lyons 110 Erin, Dave Guile 435 Santiam Ave, Don Tesdal 100 Tumble, Jimmy Warren 130 Erin, Floyd Sippel 115 3rd, Thelma Jackson 260 Guy Moore, Monte Runkle 140 4th, Rick Ladbury Korner Post Restaurant, Chuck Gault 370 Detroit Rd. S., Thelma Jackson 260 Guy Moore. There was no **neutral testimony**. The City Planner Lisa Brosnan stated there was a very good point brought up by Lane Lyons section 3.6.3. Which has to do with storage of recreational vehicles, that currently we do not have a limit on how many RV's can be stored on developed lots. That by storage it means an RV that is parked and not occupied. That council needs to decide if they want to set a limit. She went over some of the questions that were asked in no particular order. She started by saying that things do change, that we gave it eight years and found that the current RV code wasn't really working very well, a lot of complaints were always in planning commission and city council trying to balance people's rights for what people can do on their property and their neighbors rights to enjoy their property also. That the thing about RV living, people tend to not live in the RV but outside. There have been a lot of complaints with neighbors regarding noise in a single-family neighborhood. That this is why this started and the planning commission worked to develop this language. Lisa said there was a question about grading, that grading is when your leveling ground and there is a bulldozer involved. Enforcement had come up a few times, she said this is something the city struggles with all the time, they do not have a big budget. Enforcement happens not because someone is driving around looking for things, it is mostly complaint driven. Revenues and property value concerns were brought up, it is not part of the criteria in passing a legislative amendment, we don't know what kind of effect that would have on the city. Lisa explained the process for applying for additional RV's and City Clerk Hastings quoted the fees. **Questions from the Public** – Gina Audritsh 215 Boulder asked where

the money goes to for the permits, Recorder Pavoni responded it is part of the general fund. Debby Ruyle questioned what the permit would cover, answer was the permit is issued for the property not by person. Cory Baker 220 Lakecrest talked about the revenue people bring in from RV use and asked if the city had done any kind of feasibility study to see what the consequences would be in changing the code. Recorder Pavoni stated the same rules would remain the same as they have the last eight years, the only thing changing would be instead of being allowed two RV's it would change to one, more than that would require a permit, before that RV's were not allowed. Debby Ruyle asked if it was for the money and Recorder Pavoni said it is not about the money, it is about the many complaints and people saying the city is turning into an RV park and the fear is loss of property value for people who have developed property and is what stirred this up. Someone stated besides the number of RV's changing there is also the structure over RV's. City Planner Lisa stated that didn't change that accessory structures are never allowed where there is not a primary structure. Ken Woodward questioned why and Lisa responded because you can take the RV out and then we're left with the accessory structure. Ken Woodward stated when covering an RV, we can put it in the rules that if you sell your property you have to tear it down. That if he spent money on an RV, he wouldn't want it to be destroyed by a fallen tree, but would want to build a structure over the RV to protect it. **Questions from Planning Commission** – None
Questions from City Council – Councilor Manthe talked about complaints received and also people who've bought high cost homes not wanting to live next to someone who has four RV's on their property.
CLOSE PUBLIC HEARINGS – Mayor Trett and Planning Commission Chair Hills closed the public hearing at 7:48 PM.

PLANNING COMMISSION DISCUSSION – Commission Dean O'Donnell commented that he was involved in the original code in 2011, that his request would be for the public to get more involved, to come to the planning commission and city council meetings so they can hear their testimony way before it gets to this point. He said based on the testimony heard tonight he moved to deny legislative amendment 2019-01 based on what the audience had to say, Commissioner Elaine DeGeorge seconded the motion. Commissioner O'Donnell was asked to amend his motion to recommend. Commissioner O'Donnell moved that the planning commission recommend denial of the legislative amendment, LA 2019-01 based on the statements from the public, motion was seconded by Commissioner DeGeorge. Elaine commented that on her behalf, some of the bigger lots should be allowed to have more RV's, but some of the smaller lots, with every RV there is two more cars, a boat trailer, etc. there are so many extra vehicles they can't take all that along with the RV's. Planning Commission Chair Kevin Hills called the vote, all in favor; O'Donnell, DeGeorge and Hills, motion passed.

PLANNING COMMISSION CHAIR KEVIN HILLS CLOSES PC SPECIAL SESSION – Commissioner Hills motioned to close the special session of the planning commission, motion was seconded by Commissioner DeGeorge, all in favor; Hills, DeGeorge and O'Donnell. Closed at 7:50 PM.

CITY COUNCIL DISCUSSION – Mayor Trett stated to council they have a recommendation from the planning commission to deny the legislative amendment LA2019-01 and asked for a motion. Councilor Manthe made a motion to accept the recommendation, motion was seconded. Councilor Page commented that he has no problem with RV/Tent version of the amendments but we do have an issue with the slope hazard areas that has nothing to do with the RV/Tent portion of the code and needs to be addressed along with a few other items. Councilor Larson-Hills asked if they are throwing the RV portion out the window where it talks about renting or leasing an RV space separate of a full-time lease of the property how that would get addressed. Planning Commissioner DeGeorge stated that it is not going get thrown out the window, it is coming back to the planning commission to work on. Councilor Page stated there are six points that they need to go through. City Planner Lisa Brosnan reminded council if they just want to keep parts of this, they can. Councilor Page motioned they continue the discussion from 2.3.7 to 3.7.4 at their next city council meeting. Lisa said they would be continuing the entire hearing. It would be continued but not have to be noticed, that everyone here knows if we have a time date certain. Mayor Trett stated that Councilor Page has made a motion to continue the public hearing to next month for consideration. He informed everyone that the next city council meeting is the annual Saturday meeting on August 17 at 10:00 AM. Motion was seconded, he asked for any discussion. Councilor Engle talked about all the people that were here over the weekend. That there were a lot of violations, noise, trailers on the streets, four RV trailers packed into a space that really only had room for two little lone if they had permits. There were other spaces that had six RV's and two campers, dry camping with no electricity, no sanitation, breaking a lot of regulations all over town. That her concern is how close we came to having some trauma in this town, fire, a wreck or some health emergency where you couldn't get an emergency

vehicle down the street or onto one of these properties where you had so many RV's crammed into each other or the emergency providers being able to get to your facility. She proposed for four weekends of the year they relax the rules, Fishing Derby weekend, Memorial Day weekend, the Fourth of July Fireworks weekend and Labor Day weekend. That they would still have to have the same required setbacks, that the setbacks were established for safety, up to a maximum of four RV's if it fits, along with the amount of cars you need to fit, because you can't be parking on the streets, that it's not safe for the Fire Fighters, EMT vehicles and the Sheriff's. This is to try and accommodate the town for these four very special weekends that we have per year, but also have those safety guidelines. Mayor Trett asked Lisa if she could bring that back to the next meeting as part of the extension. Lisa will draw up some language to that affect. All in favor; Eric Page, Vickie Larson-Hills, Julie Gunderson, Jim Trett, Greg Sheppard, John Manthe and Shelley Engle, motion passed. Mayor Trett closed the meeting for a break at 8:02 PM. Meeting was re-adjourned at 8:12 PM.

5. APPROVAL OF MINUTES OF THE LAST MONTH – Councilor Manthe motioned to approve the City Council Regular Meeting minutes of June 11, 2019, motion was seconded. Councilor Larson-Hills pointed out corrections for her name being misspelled in the roll call, and her first name not being listed in bills payable motion and everyone else's was.. Councilor Engle stated that under announcements of her question and answers with Mr. Galbraith are missing in the minutes and for point of clarification if the city clerk and recorder are moving away from verbatim to just the jiff of the topic. Mayor Trett replied they are trying to do that and summarize the minutes. All in favor; Eric Page, Vickie Larson-Hills, Julie Gunderson, Jim Trett, Greg Sheppard, John Manthe and Shelley Engle, motion passed.

6. APPROVAL OF THE BILLS PAYABLE LIST FOR CURRENT MONTH – Councilor Manthe moved to pay the bills, motion was seconded, all in favor; Eric Page, Vickie Larson-Hills, Julie Gunderson, Jim Trett, Greg Sheppard, John Manthe and Shelley Engle, motion passed.

7. UNFINISHED BUSINESS

7.1. Rotating Meeting Schedule – No Fire Board report. Ken Woodward reported on **North Santiam Sewer Task Force**. Two Mayors and two citizens were on KYAC radio station. They will have a meeting on July 18th and will be voting on the direction they're going. That it is moving forward. Mayor Trett reported the next **Federal Lakes** meeting would be on July 10th at Gates Fire Hall. Dean O'Donnell reported **DLRABA** didn't have a meeting this month. They did have the annual fireworks fund raiser that went very well. They had a goal to surpass last year and last year they raised \$7,000 for the fireworks and they did that. Next meeting will be on July 17th.

7.2. ATV Ordinance Violations – Mayor Trett reported he didn't see any ATV's speeding down the streets when he was around over the weekend. Councilor Manthe reported he stopped one with two young girls driving it and three in the back, weaving trying to throw the ones in the back off. That they weren't old enough to be driving it and told them to take it home and gave them his card to give their parents if they had any questions. Mayor Trett said that he and Councilor Sheppard were going to meet with Ian Caldwell of Oregon Parks and Recreation Department on Thursday. That they have an ATV Highway Access Route Advisory Committee, and they are going to show him around town and see if they can address ATV's coming across highway 22 and may become an advocate for us. Discussion followed.

7.3. Wayfinding Grant – Marion Cultural Development Corporation (MCDC) – There was discussion regarding the final draft of the flyer highlighting a couple of walking tours for the city with the points of interest. Suggestion was made by Councilor Engle to take like Clifford off the map to better show the trail to Piety Island past the arrow. City Planner Lisa Brosnan to see if it could be changed.

7.4. Road Dedication 105 Patton Road – Mayor Trett reported this is for information only for acquisition of a permanent easement, temporary construction easement or real property with no relocation, initial notice to owner. That this is still in progress.

7.5. Ballot Measure for Charter Change – Mayor Trett reported they have been looking into doing the charter change to allow three part time residence instead of two. That it would cost the city \$2.00 per registered voter if done for the November 2019 election. Staff recommends to wait until a primary or general election of an even number year, next primary is May of 2020 where there would be no cost. Councilor Manthe motioned they put the measure on the May 2020 ballot, motion was seconded, all in favor; Eric Page, Vickie Larson-Hills, Julie Gunderson, Jim Trett, Greg Sheppard, John Manthe and Shelley Engle, motion passed.

7.6 Extra Sheriff Enforcement for Fireworks weekend – Mayor Trett reported they couldn't find anyone to come up and work it, which is an overtime extra assignment for Deputies. That they put out the request but no one responded.

7.7. Public Works Building Restoration – Kelly Galbraith reported the supports of the structure looks good. That the siding needs replaced and received a quote of \$10,500 that would include metal siding, polycarbonate to close the open area near the roof line on both side of the building as well as the back side. Bob Goddard, a contractor also looked at the building and said the structure is sound and that it would be costly to take the building down and replace it with a metal one. Marion County said all we would need is a building permit as well as an overview of the building and list of the new materials. She said we have \$47,400 to spend on the building and gave the quotes from Aaken Corp and Pacific Coast Electric for the electrical and the only quote received from contractor Bob Goddard for the roof and siding. That the total for replacing the roof, siding and adding electricity would be \$46,855. She also reported that West Coast Metal Buildings gave a quote for an engineered 40'x50'x20' building with three 14x14 doors and includes vapor barrier for roof and siding for \$45 to \$50 thousand and doesn't include the electricity. After discussion, Councilor Manthe motioned to do the repairs and the rebuild on the existing building, motion was seconded. Councilor Page felt we need more input on the engineering of the building, to either get our own engineer or see if Marion County would inspect it. Councilor Larson-Hills stated that she would like to get a more detailed quote on the metal building to include the electrical because the quotes that were given for the electrical were for the old building. Councilor Manthe rescinded his motion. Mayor Trett asked staff to contact Marion County Building to see if they would look at the viability of the current structure.

7.8. Ordinance No. 260 and Resolution No. 592 – Mayor Trett stated resolution 592 is a resolution establishing a transient occupancy tax grant program and repealing resolution 510 of the original TOT ordinance and current laws viewed by staff and had to add intermediaries to the ordinance so that we are compliant with house bill 4120. Councilor Engle motioned to approve resolution 592, motion was seconded, all favor; Eric Page, Vickie Larson-Hills, Julie Gunderson, Jim Trett, Greg Sheppard, John Manthe and Shelley Engle, motion passed.

> Mayor Trett read ordinance 260 by title, as all councilor had read. Councilor Larson-Hills motioned to approve ordinance 260, motion was seconded. Mayor read by title only for second time, all in favor; Eric Page, Vickie Larson-Hills, Julie Gunderson, Jim Trett, Greg Sheppard, John Manthe and Shelley Engle, motion passed.

8. NEW BUSINESS – Mayor Trett informed council that Councilor Larson-Hills has requested to step down as the police and safety commissioner due to work conflict. That Councilor Gunderson has said she would assume that position, Larson-Hills will take over as commissioner at large if no objections. There were none.

9. CORRESPONDENCE – City Recorder, City Clerk- No questions or comments on letters sent or received.

10. COMMISSION AND MAYOR'S REPORTS

10.1. Mayor's Report – Mayor Trett reported that he would be joining the Mayors of Idanha, Mill City and Gates in a half hour radio show on KYAC discussing the efforts for the sewer project.

10.2. Police and Safety Commissioner's Report – Vickie Larson-Hills reported on the Sheriffs activity for the month of April and the time frames. That 100% of the funds that were used to pay the officers were non-contracted funds.

10.3. Street Commissioner's Report – Greg Sheppard reported it is going to depend on the weather if the paving starts tomorrow. Their focus will be on Patton and Detroit Rd. S first then Deer Street. He said he is going to roll Butte Street with a larger roller and also broom Boulder down to the old asphalt surface to cut down on the dust. Greg talked about safety issue regarding the pedestrians walking on Forest Avenue. That is why when he applied for the ODOT SCA Grant that will includes a walkway.

10.4. Water Commissioner's Report – John Manthe reported on water use and consumption for the month of June. Meters were read on July 28 and two leaks were found on the customers and the owners were contacted. He said the construction on the new water mains is coming along well and hope to be done by the end of July on the first phase. John added that 17 new hydrants were installed.

10.5. Building Commissioner's Report – Shelley Engle reported the new storage units have the plantings done and should be getting their permit any day now, so they can open. That there are number of residential things going on improving their property.

10.6. Parks & Rec Commissioner's Report – Eric Page reported that they met with the Forestry about a future date for the Park dedication. He said the new plaque has been installed. He said they sprayed for the pineapple weed in the Park and pulled weeds down at the flats. Kelly Galbraith said they will reseed in the fall. That according to Annette with the Forest Service, all that mix they thought got washed away

and that pineapple weed came up. Eric stated that the park got fertilized and that the sprinkler system is working the way it is suppose to now. He said the Forestry is suppose to send in a botanist to find out what are weeds and what's not at the park. Once we can get these things identified as we move along, we can clean up the stuff that's in there. They are supposed to weed three times a year for three years. Eric said Steve who works at Kane's has offered to come and give some tips, that he doesn't think it would be a bad idea to have him walk through and give us some input here and there. Eric also reported there were some hazard trees going down to the flats that they were going to cut. Kelly said there were 30 hazard trees and they cut 12 to 13 that were in really bad shape. He said the cross-share agreement hasn't been completed yet we are waiting on the Forestry for that. There was a brief discussion regarding the possibility of putting in old logging equipment, more research needs to be done. Mayor Trett mentioned putting the ATV ordinance in the kiosk on the street facing side at the park.

10.7. Emergency Preparedness Commissioner's Report – No report

10.8. Commissioner At Large – Julie Gunderson stated she didn't really have a report just doing city business like complaints etc.

10.9. Planning Commission – In Recess

11. PUBLIC COMMENTS – Mayor Trett reminded councilor the next meeting will be on Saturday, August 17 at 10 AM. Councilor Engle stated that the League of Oregon Cities has us scheduled to host the meeting on August 8th. Mayor Trett explained it is a small cities group for cities of 5,000 or less that meets once a quarter. It's a chance for small cities to network and share ideas. He will confirm the date.

12. ADJOURN – Council Manthe motioned to adjourn, motion was seconded, all in favor; Eric Page, Julie Gunderson, Jim Trett, Greg Sheppard, John Manthe and Shelley Engle, Vickie Larson-Hills left at 9:05 PM motion passed. Meeting adjourned at 9:18 PM.

Signed: _____
James Trett, Mayor

Kevin Hills, Planning Commission Chair

Attest

Christine Pavoni, City Recorder