

ORDINANCE NO. 266

AN ORDINANCE AMENDING THE CITY OF DETROIT DEVELOPEMENT CODE.

WHEREAS, in September 2020 the Beachie Creek and Lionshead wildfires destroyed many homes throughout the North Santiam Canyon; and

WHEREAS, many individuals and families need to find safe, affordable transitional or emergency housing; and

WHEREAS, ORS 446.265 states:

ORS 446.265

- (1) Inside an urban growth boundary, a local government may authorize the establishment of transitional housing accommodations used as individual living units by one or more individuals. Use of transitional housing accommodations is limited to persons who lack permanent or safe shelter and who cannot be placed in other low-income housing. A local government may limit the maximum amount of time that an individual or a family may use the accommodations.
- (2) Transitional housing accommodations are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes.

WHEREAS, the City of Detroit believes the property owners in the community can provide transitional housing opportunities for displaced residents of the North Santiam Canyon; and

WHEREAS, the City Council concludes the City should amend the Detroit Development Code to allow transitional emergency housing for a limited duration in the Single Family Residential, Multi-Family Residential, Commercial General and Public zones; and

NOW, THEREFORE, the City Council of the City of Detroit hereby ordains as follows:

SECTION 1. Chapter 3.6.3 J of the City of Detroit Ordinance is amended to read as follows:

1. RV Use as a Temporary Residence. The use of a recreation vehicle as a temporary residence on a legal buildable lot is permitted provided that:
 - a. The use of a self-contained recreational vehicle is for emergency/transitional housing, in response to the Beachie Creek and Lionshead wildfires. The RV use as a temporary residence is permitted as follows:

- a. In the Single Family Residential, Multi-Family Residential, Commercial General and Public zones one recreational vehicles are permitted on a legal buildable lot when a Transitional Housing permit is obtained.

SECTION 2. Chapter 3.6.3 J is hereby added to the Detroit Development Code to read as follows:

2. **RV Use as Transitional Housing.** Standards for a recreation vehicle to be occupied as a temporary residence as emergency/transitional housing, in response to Beachie Creek and Lionshead wildfires, in the Residential, Commercial-Residential, Industrial and Public zones are as follows:
 1. An application for a Transitional Housing permit to use a recreational vehicle as emergency housing shall be submitted to the city by the applicant/property owner. The application shall include:
 - a. A completed application form.
 - b. A site plan showing the proposed location of the recreational vehicle on the site, including all permanent buildings, the location of the recreational vehicle, proposed screening, fencing or landscaping (if any) and how water supply, sewage disposal and electrical connections shall be accomplished in a safe and approved manner.
 - c. A filing fee in accordance with the City's fee schedule for an RV permit.
 - d. A statement from the applicant/property owner certifying that the applicant/property owner will comply with subsections (3) through (10) of this section.
 2. The City Recorder shall be the decision authority.
 3. One recreational vehicle may be used for emergency housing on each legal buildable lot, except as permitted.
 4. No recreational vehicle may be occupied until after an application has been approved by the City Recorder and required building, plumbing and/or electrical permit(s) have been issued by the County and approved after final inspection.
 6. A recreational vehicle may be occupied for a period of up to twenty-four (24) months. Upon written request, the City Recorder may grant not more than two (2)-twelve (12) month extension for a recreational vehicle to be used for emergency housing.
 7. RV must be parked at least five (5) feet from the front, side, and rear property lines and ten (10) feet from a structure when unit is fully extended.
 8. RV may be connected to the owner or lessee power with a Marion County Public Works Department, Building Inspection Program approved RV connection box ONLY. Connections using extension cords are NOT allowed.
 9. RV may be self-contained; however, and grey water holding tanks shall be emptied at only at an authorized RV dump station.

10. Recreational Vehicle shall not be connected to the septic/sewer without proof of a Septic Authorization Notice from Marion County Public Works Department. Discharge of “grey water” and/or toilet facilities directly onto the ground is prohibited.
11. The applicant/property owner shall agree in writing that upon the expiration of the Transitional Housing permit, he/she/they shall remove the recreational vehicle from the lot within thirty (30) days.

SECTION 3, To allow property owners access and flexibility to rebuild on properties in the City of Detroit, Section 3.8.1 of the Detroit Development Code, Primary Structure Requires is amended to read:

- A. Primary structure required. An accessory structure shall not be allowed without another permitted structure unless an accessory structure is being built on a lot impacted by the Beachie Creek and Lionshead wildfires in September 2020.
 1. Properties subject to damage from the Beachie Creek and Lionshead wildfire in September 2020 are permitted to build an accessory structure(s) prior to a primary structure being built. This is to provide storage and accessibility to property during a rebuild. All other development standards apply. A primary structure will need to be built by the completion of termination of Ordinance 266.

SECTION 4 To allow property owners flexibility to build back to their original setbacks, Section 5.2.2A Nonconforming Development is amended to read:

1. Destruction of Nonconforming Structure by the Beachie Creek and Lionshead Wildfire of 2020. For properties impacted by the Beachie Creek and Lionshead Wildfire of 2020, they may restore or replace any lawful nonconforming building or structure. Restoration or replacement shall be commenced within four years of the date this Ordinance in enacted. This does not relinquish compliance with State and Federal Codes.

SECTION 5. Emergency Clause. It is hereby adjudged and declared that the existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the City of Detroit in response of the September 2020 the Beachie Creek and Lionshead wildfires destroyed many homes throughout the North Santiam Canyon. An emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect when signed by the Mayor and passed by this Council.

SECTION 6. Severability. The provisions of this ordinance are severable. If a section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 7. Sunset Clause. This ordinance will remain in effect until September 8, 2025 at 11:59 p.m. PST.

This Ordinance read for the first time by title only on the 23rd of February, 2021.

This Ordinance read by title only for the second time on the 23rd of February, 2021.

This Ordinance passed on the 23rd of February, 2021 by the City Council and executed by the Mayor this 23rd day of February, 2021.

Councilor Votes:

Mayor Trett	_____
Councilor Page	_____
Councilor Luke	_____
Councilor Sheppard	_____
Councilor Tesdal	_____
Councilor Engle	_____
Councilor Smith	_____

Date: _____ By: _____
Jim Trett, Mayor

Date: _____ Attest: _____
Kelly Galbraith, City Recorder

APPROVED AS TO FORM

Date: _____ By: _____
Bill Monahan, City Attorney