



Staff Report

LEGISLATIVE AMENDMENT TO THE DETROIT DEVELOPMENT CODE

LA-22-01

Planning Commission Hearing Date: April 18, 2023

FILE: LA-22-01

HEARING: April 18, 2023
City Hall

REPORT: April 11, 2023

APPLICANT: City of Detroit

PROPERTY OWNER: Citywide

SUBJECT PROPERTY: Citywide

EXHIBITS: EXHIBIT A: Draft Ordinance
EXHIBIT B: TAC meeting dates and track changes

REQUEST

The City proposes to amend every Chapter of the Detroit Development Code.

PROCEDURE

A text amendment to the Detroit Development Code is a Legislative Amendment. Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV procedure in Chapter 4.1.6. The Planning Commission makes a recommendation to City Council regarding the proposed text amendment.

On November 30, 2021, the Planning Commission made a motion to begin a Legislative Amendment for the entire Detroit Development Code. The Detroit City Council accepted the grant award from DLCD in December 2021 to begin review of the current code.

APPEAL

An appeal of the City Council's final decision is to the Oregon Land Use Board of Appeals (LUBA).

BACKGROUND

Beginning in January 2022, MWVCOG staff began work with the Detroit Planning Commission on a comprehensive update to the Detroit Development Code. The Planning Commission has served as the Technical Advisory Committee for this Code Audit review. This work is being funded by a Planning Assistance grant from the Department of Land Conservation and Development.

During the Technical Advisory Committee meetings and Joint work sessions with City Council and Planning Commission, several key parts of the Code were discussed. We have had 9 TAC meetings to discuss the current code and proposed updates.

On January 31, 2023, the City Council and Planning Commission held a Joint Work session to discuss the current recommendations. A particular focused discussion item regarding Recreational Vehicles. Several Councilors raised concerns both in support and opposition of modifying the current Code to restrict the number of RV's to less than what is currently permitted. Staff identified the following item addressed by Council at this meeting that Council would like to have addressed:

- a) Allow all property owners the ability to have one (1) RV year-round on their property.

A duly noticed public hearing is being held on 4/18/23. Notice of the hearing was posted on the City of Detroit website, Detroit Facebook page and in the Canyon Weekly newspaper. Measure 56 notice was mailed to all property owners within the City on March 26th. DLCD 35 day notice was also established on the PAPA online site. The Staff Report and Draft Ordinance were made available on 4/11/23 to the public.

APPROVAL CRITERIA

Section 4.1.6(G): *Decision-Making Consideration.* *The decision by the City Council shall be based on consideration of the following factors:*

1. *The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197 (for comprehensive plan amendments only).*

FINDINGS: The Statewide Planning Goals are listed below.

Goal 1, Citizen Involvement:

The City Council made a motion to begin a Code audit process. The Planning Commission, serving as the Technical Advisory Committee, has held on 9 public meetings to review proposed changes and discuss the current standards. These meetings were noticed and members of the public were able to join via Zoom.

The Planning commission is holding a hearing to receive comments from the public. The hearing is consistent with the City's procedures for legislative amendments to the Development Code. Goal 1 is met.

Goal 2, Land Use Planning:

The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged City of Detroit Development Code for processing legislative amendments to the Development Code. Goal 2 supports clear and thorough local procedures. DLCD notice was sent and Measure 56 notice was sent to property owners within the regulated floodway.

The proposed amendments are based on our communication with DLCD staff regarding our code being in compliance with current standards. The updates particularly provide more definitions and create clear prescriptive requirements for uses and development within the City of Detroit.

Goal 2 is met.

Goal 3, Agricultural Lands: Goal 4, Forest lands:

Goals 3 and 4 are not applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources.

Goal 5 is not applicable. The proposal does not address Goal 5 resources.

Goal 6, Air, Water and Land Resource Quality:

Procedures are being added for development permit applications to ensure proper review happens before site work begins on residential and commercial properties within the City. This will help ensure that resources are being maintained and protected.

Goal 7, Natural Hazards:

The proposal is updating our current regulations for properties within the steep slopes property and adding a development permit application process. This will be required for development that is in site development stage to ensure erosion control measures are in place and standards are being maintained for development.

Goal 8, Recreation: Goal 8 is not applicable. The proposal does not address recreational needs.

Goal 9, Economic Development: Goal 9 is not applicable.

The proposal does not address Goal 9 issues.

Goal 10, Housing:

This proposed changes will allow duplexes to be permitted outright in the Residential Zone. It also reduces design standards for tiny homes to allow for more access to housing options for development in Detroit.

Goal 11, Public Facilities and Services:

New language has been proposed in Chapter 3 for Public facilities standards. This will guide new development in the future

Goal 12, Transportation: Goal 12 is not applicable.

The proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable.

The proposal does not address energy conservation.

Goal 14, Urbanization: Goal 14 is not applicable.

The proposal does not address Goal 14 issues.

Goal 15 for the Willamette River Greenway and Goals 16 – 19 for the Coastal Goals.

The proposal does not Goal 16-19 issues as the subject properties are not withing the Willamette River or the Coast.

The proposed amendment to the Development Code are consistent with the Statewide Goals 1, 2, 6, 7, 10 and 11 and the remaining Goals are not applicable because the amendments do not affect issues addressed by Goals 3-9, 11– 15

1. Comments from any applicable federal or state agencies regarding applicable statutes or regulations.

Findings: No comment has been received from any applicable federal or state agencies regarding this proposal or applicable statutes or regulations.

2. Any applicable intergovernmental agreements; and

Findings: No intergovernmental agreements were identified as being applicable to this proposal.

3. Any applicable comprehensive plan policies and provisions of this Code that implement the comprehensive plan. Compliance with Chapter 4.7 shall be required for Comprehensive Plan Amendments, and Land Use Zone Map and Text Amendments.

Findings: The proposed amendments to the Development Code are in compliance with Chapter 4.7 of the Detroit Development Code. Compliance with the Statewide Planning Goals and related Administrative Rules.

PROPOSED CODE SECTIONS

Proposed amendments are in italics for *new language* and strikeout for ~~deleted language~~

See Exhibit A- Chapters 1- Chapter 5.

CONCLUSION AND RECOMMENDATIONS

The proposed amendment is consistent with the applicable approval criteria and staff recommends the Planning Commission recommend the City Council approve and adopt the proposed amendment.