Staff Report

LEGISLATIVE AMENDMENT TO THE DETROIT DEVELOPMENT CODE

Downtown Design Standards – Detroit Avenue Corridor Overlay

Planning Commission Hearing Date: September 17, 2024

City Council Hearing Date: October 8, 2024 \*

File: LA-24-01

report DATE: September 10, 2024

Applicant: City of Detroit

Exhibits: A - Chapter 2.3 - Commercial General (CG) Zone and proposed changes,

 B - Chapter 3.2 -Vehicle and Bicycle Parking and proposed changes,

 C - Chapter 3.5 - Other Standards - with proposed changes shown,

 D - Chapter 4 - Application and Review Procedures with proposed

 changes to Table 4.1.2., Chapter 4.2 and Chapter 4.9,

 E - Chapter 5 - Nonconforming Uses and Developments with

 proposed changes shown,

 F - Notice mailed to property owners in Detroit Ave. Corridor Overlay,

 G - Memorandum dated May 24, 2024, from JET Planning.

\*Date identified to public notice if Planning Commission makes a recommendation on September 17.

# Request

This legislative amendment proposal would add, delete, and retain existing code provisions of the Detroit Development Code (DDC). The proposed amendment is focused to Chapter 2.3 and primarily subsection 2.3.7 pertaining to the Detroit Avenue Corridor area. Proposed changes to subsection 2.3.7 introduce new use and development standards that supersede existing use / development standards of the CG zone.

Other changes are proposed to Chapter 3.2 (Vehicle and Bicycle Parking) and Chapter 3.5 (Other Standards) where change to sign regulations are proposed (subsection 3.5.2) and new proposed standards for mobile food units. Other changes are proposed to Chapter 4 (Application and Review Procedures) and Chapter 5 (Nonconforming Uses and Developments).

# Background

The City of Detroit engaged the services of SERA Architects and JET Planning, as contractors, for conducting early meetings, including Council meetings where code concepts were introduced for implementing the downtown vision plan. SERA / JET also facilitated various community work sessions. Draft Development Code amendment meetings started with a Council work session held on December 18, 2023, followed by a project advisory committee meeting on February 28, 2024. Also, on April 23, 2024, a joint Council and Planning Commission work session was held to receive addition feedback and direction on desired code changes.

# Procedure

The public hearing on September 17, 2024, is the first of two hearings required by DDC Section 4.1.6 (the Type IV Legislative Procedure). State law describes similar procedures for all Development Code amendments. If the Planning Commission issues a recommendation on September 17, a second hearing is scheduled for October 8, 2024, before the Detroit City Council. Notices issued for this amendment proposal identify both hearing dates.

Proposed land use regulation changes, inclusive of amendments to the DDC, are subject to “Post-Acknowledgement Procedures” as described in ORS 197.610 through 197.651. Content of public notice for hearing purposes, timing and due process for appeals are described therein. In review of ORS 197.610 through 197.651, the following key procedural items have been completed:

1. On August 7, 2024, the Oregon Department of Land Conservation and Development (DLCD) received required notification of the proposed Development Code amendments commensurate with the timing required (35 day minimum prior to the first scheduled public hearing) at which public testimony or new evidence is to be received. Proposed changes (Exhibits A, D and E) were uploaded to the DLCD website on this day. Subsequently, on August 30, 2024, DLCD Form 1 notice was uploaded to the DLCD website. Subsequently, on September 5, 2024, Exhibits B and C were uploaded to the DLCD website.
2. On August 23, 2024, owners of all CG-zoned properties located within the Detroit Avenue Corridor Overlay were mailed separate notice that includes the following required text identified in ORS 227.186: *adoption of an Ordinance* *may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.* Exhibit D is the notice mailed to all owners of all CG-zoned properties inside the Detroit Avenue Corridor Overlay.
3. On August 30, 2024, pursuant to DDC Section 4.1.6.D, notice was also published in the Canyon Weekly newspaper.

To date, no written comments have been received from property owners or DLCD. Written comments received after this report and prior to the hearing will be forwarded to the Planning Commission.

# APPROVAL CRITERIA

DDC Section 4.1.6(G) describes the decision-making criteria. 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);*

*2. Comments from any applicable federal or state agencies regarding applicable statutes or regulations;*

*3. Any applicable intergovernmental agreements; and*

*4. 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.*

To these criteria, staff respond as follows:

*1. The Statewide Planning Goals* *and Guidelines adopted under Oregon Revised Statutes Chapter 197…*

**Findings:** There are a total of nineteen statewide planning goals identified in Oregon Administrative Rules (OAR) under Chapter 660, Division 18. Of these goals, twelve are applicable to Detroit which include: *Citizen Involvement* (Goal 1), *Land Use Planning* (Goal 2), *Natural Resources* (Goal 5), *Air, Water & Land Resource Quality* (Goal 6), *Natural Hazards* (Goal 7), *Recreational Needs* (Goal 8), *Economic Development* (Goal 9), *Housing* (10), *Public Facilities & Services* (Goal 11), *Transportation* (12), *Energy Conservation* (13) and *Urbanization* (14).

Of the 19 goals, seven are not applicable to Detroit. These goals include rural and area-oriented goals - *Agricultural Lands* (Goal 3), *Forest lands* (Goal 4), *Willamette River Greenway* (15) and Goals 16 through 19 which pertain to coastal areas (i.e., areas in proximity to the ocean).

In consideration of each applicable goal, staff underscores how proposed amendments (shown to Exhibits A - E) are focused primarily to the introduction of building and site design standards, parking, signs, land use in commercial areas and application processing. Propose amendments are not intended to implement any recommended measures identified by recent study or analysis (e.g., Housing Needs Analysis, Economic Opportunities Analysis or Transportation Systems Plan update). Staff findings (below) further respond to each applicable goal.

**Goal 1**: *Citizen Involvement*. Goal 1 is addressed primarily through input received from persons serving on City Council and the Planning Commission. Input is also received from those servicing on advisory committees. Required public hearings provide another opportunity for citizen involvement. Staff finds the proposed amendments to be consistent with statewide Goal 1.

**Goal 2**: *Land Use Planning*. In part, Goal 2 identifies the means for implementing the Comprehensive Plan. DDC Section 1.2.1 explains (in part) how the Detroit Development Code serves to implement the Detroit Comprehensive Plan. Proposed code changes would introduce new use and development standards specific to CG-zoned properties that fall within the Detroit Avenue Corridor area (see subsection 2.3.7 for current area description). This area would be renamed the *Detroit Avenue Corridor Overlay District*. A mapped boundary of this overlay would be introduced to the Development Code (see Figure 2.3.7-1 in Exhibit A).

As explained under Procedures (above) the owners of all CG-zone properties shown within the new corridor overlay (specifically the mapped area shown to Figure 2.3.7-1) were mailed notice in accordance with ORS 227.186 (Exhibit D). Staff finds the proposed amendments to be consistent with statewide Goal 2 where applicable.

**Goal 5**: *Natural Resources, Scenic and Historic Areas, and Open Spaces.* Staff finds the proposed amendments to be relevant primarily to areas zoned CG and these areas are not shown to contain known natural resources identified under Goal 5 (e.g., wetlands, streams, creeks, etc.). Similarly, the area is not shown to contain known historic resources and open spaces. Staff finds the proposed amendments to be consistent with statewide Goal 5 where applicable.

**Goal 6**: *Air, Water & Land Resource Quality.* Goal 6 speaks to maintaining and improving the quality of the air, water, and land resources of the community. As previously mentioned, proposed amendments are focused primarily building, parking, sign and site design standards, primarily limited to the CG zone / corridor area. Staff finds the proposed amendments to be consistent with statewide Goal 6 where applicable.

**Goal 7**: *Natural Hazards.* Goal 7 is intended to protect people and property from natural hazards. Specifically listed are earthquakes, wildfire, severe weather and drought and flood. As previously mentioned, proposed amendments are focused to building, parking, sign and site design standards, primarily limited to the CG zone / corridor area. Staff finds the proposed amendments to be consistent with statewide Goal 7 where applicable.

**Goal 8**: *Recreational Needs.* Proposed amendments shown to Exhibits A – E are not intended to address recreational needs. Staff finds the proposed amendments are consistent with statewide Goal 8 where applicable.

**Goal 9**: *Economic Development.* The fundamental purpose of Goal 9 is to make sure that a local government plans for economic development. As previously mentioned, proposed amendments are focused to building, parking, sign and site design standards in the CG zone / corridor area. Certain proposed changes are intended to implement the Detroit Vision which (in part) encourages the creation of a walkable, engaging downtown environment. Proposed code changes, if adopted, would apply in review of future Site Design Review applications when sought by developers, new business entrepreneurs and existing businesses. Staff finds the proposed amendments to be consistent with statewide Goal 9 where applicable.

**Goal 10**: *Housing*. As previously mentioned, proposed amendments are focused to building and site design standards limited to the CG zone / corridor area. The amendment proposal does not include a map amendment. Lands zoned for residential remain the same, thereby causing no change (or potential deficit) to land available for future housing production as identified. Staff finds the proposed amendments to be consistent with statewide Goal 10 where applicable.

**Goal 11**: *Public Facilities & Services.* Goal 11 requires local governments to prepare Public Facilities Plans and identify necessary infrastructure to serve future development. Detroit is to plan for urban services (i.e., sanitary sewer, pipe water and storm drainage) for properties inside the UGB. This amendment proposal does not include an infrastructure plan or new / updated maps indicating change to existing service boundaries. Staff finds the proposed amendments to be consistent with statewide Goal 11 where applicable.

**Goal 12**: *Transportation.* Goal 12 speaks to providing a safe, convenient, and economic transportation system. No change to the Transportation System Plan (TSP) is proposed. Street standards are not subject to consideration. Staff finds the proposed amendments to be consistent with statewide Goal 12 where applicable.

**Goal 13**: *Energy Conservation*. Proposed amendments do not address energy conservation. Staff finds the proposed amendments to be consistent with statewide Goal 13 where applicable.

**Goal 14**: *Urbanization.* Goal 14 explains how local urban jurisdictions are to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries (UGBs). Goal 14 also describes the purpose and function of UGBs. As previously mentioned, the proposal does not include a map amendment. A UGB amendment is also not proposed. Staff finds the proposed amendments to be consistent with statewide Goal 14 where applicable.

Conclusion: Based on the facts and findings above, staff concludes proposed amendments are consistent with statewide planning goal and guidelines (adopted under Oregon Revised Statutes / and Oregon Administrative Rules) where applicable*.*

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

**Findings:** No written comment were received from applicable federal or state agencies regarding this proposal. As previously mentioned, proposed amendments are focused to building, parking, sign and site design standards, limited to the CG zone / corridor area. Proposed amendments do not encompass a change to street location (e.g., via Transportation Systems Plan update) where comments from state agencies would be welcomed and sought.

*3. Any applicable intergovernmental agreements*

**Findings:** No intergovernmental agreements were identified as part of this proposal. Proposed code changes, if adopted, would apply in review of future Site Design Review applications when sought by developers, new business entrepreneurs and existing businesses.

*4. 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:** Proposed amendments comply with Chapter 4.7 of the Detroit Development Code (which refers to the Type IV Legislative Procedure as explained in 4.1.6, and in this report). The proposal is not a Quasi-Judicial Amendment as described subsection 4.7.3.

Staff review of the Detroit Comprehensive Plan found no conflicting policies. Hereto, staff incorporate the findings shown in response to Criterion 1 for compliance with the statewide planning goals and related OAR sections. Staff therefore conclude that the proposed amendment is consistent with Chapter 4.7 of the Detroit Development Code and applicable policies of the Comprehensive Plan.

# Conclusion and Recommendations

Proposed amendments are consistent with applicable approval criteria. Staff therefore recommends support of a motion that would forward a recommendation of approval to the City Council. Below are suggested motions (two examples).

Example 1: I move to recommend that the City Council approve the proposed code changes as shown in Exhibits A, B, C, D and E of the staff report.

 OR, if the Commission supports other changes (beyond / different as shown in Exhibits):

Example 2: I move to recommend that the City Council approve the proposed code changes as shown in Exhibits A, B, C, D and E of the staff report, subject to the following changes

<< motion maker then lists the desired changes – referring to Section # and text >>

Refinement Questions: The last Exhibit to this report (Exhibit G) is a memorandum dated May 24, 2024, addressed to the Detroit City Council prepared by Elizabeth Decker of JET Planning. In part, the memorandum recommends addressing certain code refinement questions. Staff observe a total of four refinement questions (see pages 3, 4, 7 & 8 of the memo).

As the contract with JET Planning and SERA Architects has expired, there will be no consultant representative (i.e., from either firm) at public hearings to answer questions about the memo / code refinement items. In forwarding final hearings-ready documents to the city, Ms. Decker of JET Planning explained how a few final refinement questions remain for Planning Commission / Council consideration. According to Ms. Decker, proposed code changes can be adopted as shown. At the hearing stage, these refinement questions can still be considered. Any change would need to be made clear for the record and should reflect consensus of the Commission. See Example 2 (motion option) above. Documents for City Council consideration (prior to the subsequent public hearing) will include the Planning Commission recommendation.