



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/28/2014

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Detroit Plan Amendment
DLCD File Number 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, May 12, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Marjorie Mattson, City of Detroit
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
 File No.: 001-14 (20195)
 [17853]
 Received: 4/21/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See ORAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Detroit

Local file no.: **CPMA ZC 345 Santiam Ave W (2014)**

Date of adoption: 4/8/2014 Date sent: 4/21/14

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 1/21/14
 No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Marjorie Mattson, Land Use Planner

Phone: 503-540-1617

E-mail: mmattson@mwvcog.org

Street address: 100 High Street

City: Salem

Zip: 97301-3607

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from P	to SF	6.97 acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 10 5E 02DA/101 - 345 Santiam Ave W and w/i UGB

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from P to RS Acres: 6.97
Change from to Acres:
Change from to Acres:
Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address): 10 5E 02DA/101 - 345 Santiam Ave

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 230

AN ORDINANCE CHANGING FOR PROPERTY ADDRESSED AS 345 SANTIAM AVENUE W THE COMPREHENSIVE PLAN DESIGNATION FROM PUBLIC (P) TO SINGLE-FAMILY RESIDENTIAL (SF) AND REZONE FROM PUBLIC (P) TO SINGLE-FAMILY RESIDENTIAL (RS) (The property is also referenced by Marion County Assessor's Office as Map and Tax Lot Numbers T10S R5E Section 02DA, 101.)

WHEREAS, the City of Detroit provided public notice regarding public hearings before the Planning Commission and City Council for Comprehensive Plan Map Amendment and Zone Change (CPMA/ZC) - 345 Santiam Ave W - 2014 as required according to the City of Detroit Development Code, Section 4.1.5 C.;

WHEREAS, on the 25th of February, 2014, the City of Detroit Planning Commission conducted a public hearing to consider CPMA/ZC - 345 Santiam Ave W - 2014 and unanimously voted to recommend to the City Council approval of the subject application (with three (3) Planning Commissioners in attendance);

WHEREAS, on the 25th of February, 2014, the City of Detroit City Council conducted a public hearing to consider CPMA/ZC - 345 Santiam Ave W - 2014. Following the close of the Planning Commission's public hearing and during the City Council's public hearing, the Planning Commission's recommendation was entered into the Council record.

WHEREAS, the City Council closed their hearing, deliberated, and voted unanimously (three (3) City Councilors and the Mayor in attendance) to approve CPMA/ZC - 345 Santiam Ave W - 2014 based upon the findings and conclusions as presented in the staff report (as indicated in the signed decision document included as Exhibit I);

NOW, THEREFORE, THE CITY OF DETROIT ORDAINS AS FOLLOWS:

SECTION 1. The City of Detroit adopts the findings and conclusions stated in the staff report and as presented in the Notice of Decision (attached as Exhibit I), and approves the Comprehensive Plan Map amendment for property addressed as 345 Santiam Avenue W (also referenced by Marion County Assessor's Office as Map and Tax Lot Numbers T10S R5E Section 02DA, 101) with the Comprehensive Plan designation changed from Public (P) to Single-Family Residential (SF). See Exhibit I and Map 1.

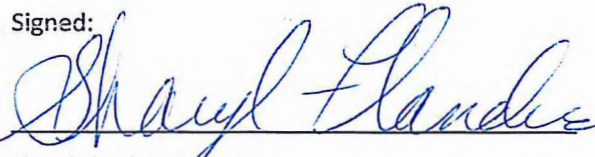
SECTION 2. The City of Detroit Zone District Map adopts the findings and conclusions stated in the staff report and as presented in the Notice of Decision (attached as Exhibit I), and approves the zone change for property addressed as 345 Santiam Avenue W (also referenced by Marion County Assessor's Office as Map and Tax Lot Numbers T10S R5E Section 02DA, 101) from Public (P) to Single-Family Residential (RS). See Exhibit I and Map 1.

First read before the City Council of the City of Detroit on March 11, 2014.
Second reading and adoption before the City Council on April 8, 2014.
Effective Date 30th day after adoption, or May 8, 2014.

Passed by the Common Council of the City of Detroit, Oregon, this 8th day of APRIL, 2014.


Ayes 7 Nays 0 Absent 0

Signed:



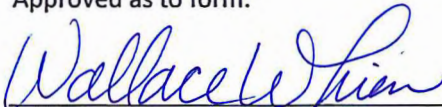
Sharyl Flanders, Mayor

Attest:



Christine Pavoni, City Recorder

Approved as to form:



Wallace W. Lien, City Attorney

CITY OF DETROIT

City of Detroit Address: 160 Detroit Avenue (P O Box 589), Detroit, OR 97342
Telephone Number: 503-854-3496 FAX Number: 503-854-3232 Email: Detroit@wvi.com

PLANNING COMMISSON RECOMMENDATION CITY COUNCIL DECISION

Comprehensive Plan Map Amendment and Zone Change – 345 Santiam Ave W - 2014
(Decision Date: See signature page.)

**APPLICANTS/
OWNERS:** BFD, LLC

**ATTORNEY FOR
APPLICANT:** Will Van Vactor

PROPERTY The subject property is located north of Santiam Avenue W east of the intersection with Deer Street and west the intersection with Patton Road

LOCATION: T10S R5E Section 02DA, Tax Lot 101
(See Exhibit A.)

ADDRESS: 345 Santiam Ave W

SIZE: 6.97 acres

PROPOSED: Change the designation of the subject property from Public (P) to Single-family Residential (SF) and rezone the subject property from Public (P) to Single-Family Residential (RS)

ZONE DISTRICT: Public (Development Code, Chapter 2.5)

**APPLICABLE
CRITERIA:** Detroit Development Code
Subsection 4.7.3 C.

EXHIBITS: Exhibit A: Vicinity/location map

I. BACKGROUND

According to Marion County Assessor's records, the subject property is identified as map and tax lot numbers 10S5E 02DA/101 and is listed as 6.97 acres in size. The former use of the property was as a public high school. Although public education ended in 2007, the vacant structure (27,400 square feet in size) remains. The City considers the site unused.

A pre-application conference was conducted via a telephone conference on October 24, 2013. Participants included a representative of the company (BFD, LLC--the property owner), the applicant's attorney, the City Recorder, and the City's contract land use consultant. A pre-application conference is required according to City's Code, Section 4.1.5.

Exhibit 1

An application was submitted on January 4, 2014. An incomplete letter dated January 21, 2014, was sent to the applicant's attorney. Additional materials were received by the City on January 31, 2014, and the application was deemed complete on February 4, 2013.

II. CRITERIA for Quasi-Judicial Amendments

According to 4.7.3 A., quasi-judicial amendments include map amendments and use the approval criteria of Section 4.7.3 C. Section 4.7.3 B. indicates that the property owner may initiate the request for the amendment.

For informational purposes, the applicant's response were included in the Staff Report (public hearing date of February 25, 2014,) and included as Attachment B to that document.

A. **Criteria for Quasi-Judicial Amendments.** A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria.

1. Demonstrations of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval.

Findings: The City of Detroit Comprehensive Plan (Plan) and Zoning Map, 2009, indicates that the property is designated as Public. Requesting a zone change from Public to Residential also requires an amendment to the Plan map. Under a public hearing process the City Council determines if the request for the change meets the Plan policies and includes the Council's consideration of a recommendation from the Planning Commission.

The applicant's statement explains that the Plan's land use and housing needs are based upon a "dated" inventory. Determining the actual "numbers" for the amount and type of housing requires more current data collection and analysis. Without a more recent land use inventory, the need for residential land and number/type of housing within the community is speculative. The City is aware that the adoption of the Slope Map in 2009 and accompanying requirements to determine development potential in those areas likely restricts the number and level of development for residential lots for properties east and north of Highway 22.

Staff does concur with the applicant in that it is better for the City to allow development within the Urban Growth Boundary before considering any Boundary expansions. The City also prefers development proposals within areas without topographical constraints and environmentally sensitive features/elements.

It needs noting for the record that the City is currently exploring options toward the development of a facilities to provide public sewer services. If a public system is determined feasible and later approved and constructed, it could change the potential levels of development within the boundaries of the subject property.

Related to the City's public facilities element, actual uses allowed in a residential zone district are further reviewed at the time of development. It is anticipated that needed public services and facilities may be provided in a logical and an orderly process and in compliance with applicable local, county, and State regulations/standards.

In response to the applicant's statement regarding Statewide Planning Goals - Goal 8 (Recreational Needs), the City does not currently have a City-wide parks master plan or facilities plans for city services such as a

community center, library, or more functional city hall. Therefore, there is no study or documentation that substantiates the applicant's statement that the subject property was not planned for recreational uses. A City park master plan or a plan to determine public structure needs would also provide calculations toward the City's ability to support additional parks/community buildings. In reality, though, the subject property lost years ago its ability to become a "public use" when the school district sold the land to a private developer.

In regards to Statewide Planning Goal 9 - Economic Development, conversion of an area to allow residential uses does provide for construction jobs at the time of house construction but the residential designation does not provide a correlation toward increasing tourism opportunities.

The application does not demonstrate compliance with the TSP because Santiam Avenue (for the distance that street abuts the subject property) is not constructed to current City standards for a street designated as "local street with walkway." Re-designation and rezoning of the subject property--this application--does not require that transportation facilities be upgraded. Needed improvements are determined at the time of re-use of the subject property or the filing of additional application toward developing the property. (Note: Additional comments were provided by the City Engineer and included with the staff report for the February 25, 2014, hearing as Attachment C, page 1, Transportation.)

Patton Street (for the distance that the street abuts the subject property) also does not comply with the City's TSP because it is not improved to "urban collector" standards." Re-designation and rezoning of the subject property--this application--does not require that transportation facilities be upgraded. Needed improvements are determined at the time of re-use of the subject property or the filing of additional application toward developing the property.

2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances;

Findings: The applicant's statement responds to the criteria. Applicable standards are applied at the time of development.

When parcelization occurs the site is required to comply with the City's minimum lot size and also includes the approval the property owner receives from the Department of Environmental Quality (DEQ) in regards to the installation of septic systems. The City can monitor the lot size and dwelling placement in such a way as to allow re-division of those lots in regards to the City's potential construction and operation of a public sewer system.

For informational purposes and in regards to property lines, the fence along the east/west common boundary between Tax Lots 100 and 101 is located on property owned by the City of Detroit and the fence along the north/south common boundary between Tax Lots 100 and 101 is located on property owned by BFD Development.

3. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

Findings: For the public hearing, the application included a Pre-Development Impact Analysis that assessed residential use of the property in comparison with the list of uses allowed under a public designation or zone district. (Note: The City Engineer also provided for the staff report a memo that included an analysis of applicant's engineer's statement.) Further assessment of the site continues at the time of a land division or the submittal of a development proposal. (For inclusion in this record and according to the City's Transportation System Plan (TSP), Santiam Avenue W is classified as a "local street with walkway." Facilities include improved travel lanes, parking on at least one-side of the street, gutters/walkways on both

sides of the street. Patton Street is classified as an "urban collector." Facilities include improved travel lanes and on-street parking areas plus sidewalks on both sides of the street. Santiam Avenue W and Patton Street S are not currently constructed to City standards.)

The property is no longer used as a school and will not be used as a public school. For development purposes, the City considers the subject property a vacant and unused unit of land.

At time of future development, connection to City water needs to occur based upon the installation of a new water meter and associated service lines near the existing water lines at a location with the Patton Street right-of-way in a location mutually agreed upon between the City and the property owner.

In regards to providing sewer services, further analysis occurs at the time of development. When parcelization occurs the site is limited in density by the approval the property owner receives from the Department of Environmental Quality (DEQ). The City can monitor the lot size and dwelling placement in such a way as to allow redivision of those lots in regards to the City's potential construction and operation of a public sewer system.

4. Allowed uses in the proposed zone can be established in compliance with the applicable Zoning Ordinance development standards without the need for adjustments or variances.

Findings: Staff concurred with an applicant statement indicating that standards are reviewed at the time of an application for development on the subject property.

There is reference in the application's statement regarding an update to the City's Comprehensive Plan in 2009. There is a notation that although the potential for a public sewer system was abandoned, the City maintains 6.22 units/acre for residential land needs. The amendments in 2009 were specific and limited to transportation related items based upon the City's adoption of its first Transportation System Plan. Funding was not provided or available to allow a land use inventory or to address minimum lots sizes.

The applicant's statement indicates that the City's minimum lot size is a "big restriction." Lot size is a measurable, and, therefore variable standard and lot size reduction could be applied for in combination with a land division application. Factors that evaluate at the time of application include a property's ability to provide public facilities or acceptable and regulated alternatives that meet required local or state standards/regulations.

5. Adequate public facilities, services and transportation networks are in place, or planned to be provided concurrently with the development of the property.

Findings: The City Engineer provided an analysis of the applicant's engineer's analysis of the site in comparison with the past use and potential uses that would be allowed with a residential designation and zone district and the City Engineer's comments were included as an attachment to the staff report (February 25, 2014, public hearing). It noted that the City is currently exploring options for development of facilities for public sewer services.

The City received a response from Marion County Public Works-Building Inspection that at the time of development, a site evaluation is required per parcel (in case there is an application filed requesting a land division). If a community system is proposed under ORS 340-071-0500 (and based upon the amount of waste flow), a proposal and permit is reviewed by the Oregon Department of Environmental Quality (DEQ). Marion County Public Works Department can provide a list of DEQ contacts.

On behalf of Consumer Power, Inc. (CPI), a representative responded to request for comments and indicated that "some revisions may or may not be required" and the determination will be made when "plans are submitted to CPI by the developer."

Written comments provided by the City Engineer indicated that public facilities are subject to further analysis at the time of development.

6. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use zoning map regarding the property which is the subject of the application; and the provisions of 4.7.4, as applicable.

Findings: The subject property is no longer used for public education and the land is no longer in public ownership. Property addressed 345 Santiam Avenue W. needs to be redesignated and rezoned. Those circumstances provide a change for this area of the community (neighborhood).

Surrounding uses are mainly residential with a public park to the north and east of the former high school site. Staff finds appropriate that the change in ownership of the subject property and in comparison with surrounding uses redesignation and rezoning of the subject property to allow residential uses.

For the record and in reference to the applicant's findings for this criterion, the City is currently exploring options toward developing some type of public sewer facilities.

Allowing an additional area for potential residential development can provide a boost to the economy at the time of home construction. However, residential development also increases the need for City services not all of which are funded such as street maintenance, street lighting, park maintenance, city staffing, policing, and emergency services. An increased number of residents provides for more local customers but the increase also needs balance with employment opportunities for citizens with a City objective to encourage establishing more full-time residents.

The applicant indicates that the property is coming into a state of disrepair. Allowing a wider range of potential uses on the subject property through re-designating and rezoning the property likely assist in re-use of the property. For future development purposes, the City identifies the property as a vacant and unused unit of land.

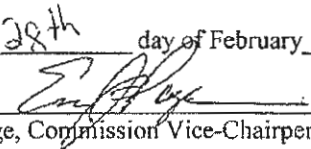
IV. PLANNING COMMISSION ACTION

The Planning Commission recommended to the City Council that the Council approve the Comprehensive Plan map amendment from Public to Single-Family Residential and the request to rezone the subject property identified as 345 Santiam Avenue W from Public to Single-Family Residential based upon the findings as presented in the staff report.

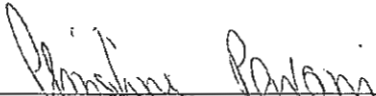
RECOMMENDED TO THE CITY COUNCIL APPROVAL OF COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE - 345 SANTIAM AVE W - 2014 BY A 3 TO 0 VOTE OF THE PLANNING COMMISSION ON THE 25th DAY OF FEBRUARY, 2014.

DATED at Detroit, Oregon, this 28th day of February _____, 2014.

ATTEST:


Eric Page, Commission Vice-Chairperson

ATTEST:



Christine Pavoni, City Recorder

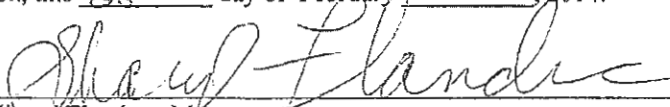
V. CITY COUNCIL ACTION

The City Council approved the Comprehensive Plan map amendment from Public to Single-Family Residential and the request to rezone property identified as 345 Santiam Avenue W from Public to Single-Family Residential based upon the findings as presented in the staff report.

COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE - 345 SANTIAM AVENUE W - 2014 **APPROVED AND GRANTED** BY A 5 TO 0 VOTE OF THE CITY COUNCIL ON THE 25TH DAY OF FEBRUARY, 2014.

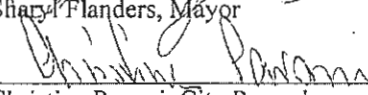
DATED at Detroit, Oregon, this 28th day of February, 2014.

ATTEST:



Sharyl Flanders, Mayor

ATTEST:



Christine Pavoni, City Recorder

Note: Prior to use or re-use of the subject property, the applicant shall file and receive approval of any applicable land use applications, building permits, or other grading/clearing/public utility permits as required by the City of Detroit, Marion County, or the State of Oregon.

Note: The applicant is herein advised that the use of the property requires additional permits from the City and may require additional permits from other local, State, or Federal agencies.

Obtaining any applicable permits is the responsibility of the applicant/owner. The City of Detroit land use review and approval process does not take the place of, or relieve the applicant/owner of responsibility for acquiring such other permits, or satisfy any restrictions or conditions thereon. The land use permit (Comprehensive Plan Map Amendment/Zone Change) approval herein does not remove, alter, or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

VI. APPEAL DATES

An intent to appeal shall be filed with the Oregon Land Use Board of Appeals (LUBA) within twenty-one (21) days of the signed decision. For additional information on the appeal process, contact LUBA (550 Capitol Street Northeast Salem, OR 97301-2567 (503) 373-1265).

LEGEND

LINE TYPES

- 1/4 LOT BOUNDARY
- 1/2 LOT BOUNDARY
- ROAD RIGHT-OF-WAY
- RAILROAD RIGHT-OF-WAY
- RAILROAD RIGHT-OF-WAY
- STEADY, LAKE, ETC. NON-BOUNDARY
- STEADY, LAKE, ETC. BOUNDARY
- SUBDIVISION BOUNDARY
- TAX CODE BOUNDARY
- PARTITION PLAT BKT.
- BACKSIGHT

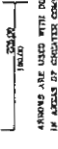
SYMBOL TYPES

- DATE
- CONTROL POINTS
- SURVEY MONUMENTS
- GLS CORNERS
- 1/4 SEC
- 1/2 SEC
- 1/4 SEC
- 1/8 SEC

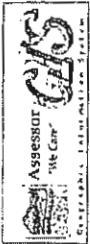
NUMBERS
TAX CODE NO.
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ADDITION - ALL AREAS TO BE INCLUDED IN THE INDICATED PUBLIC RIGHT OF WAY.

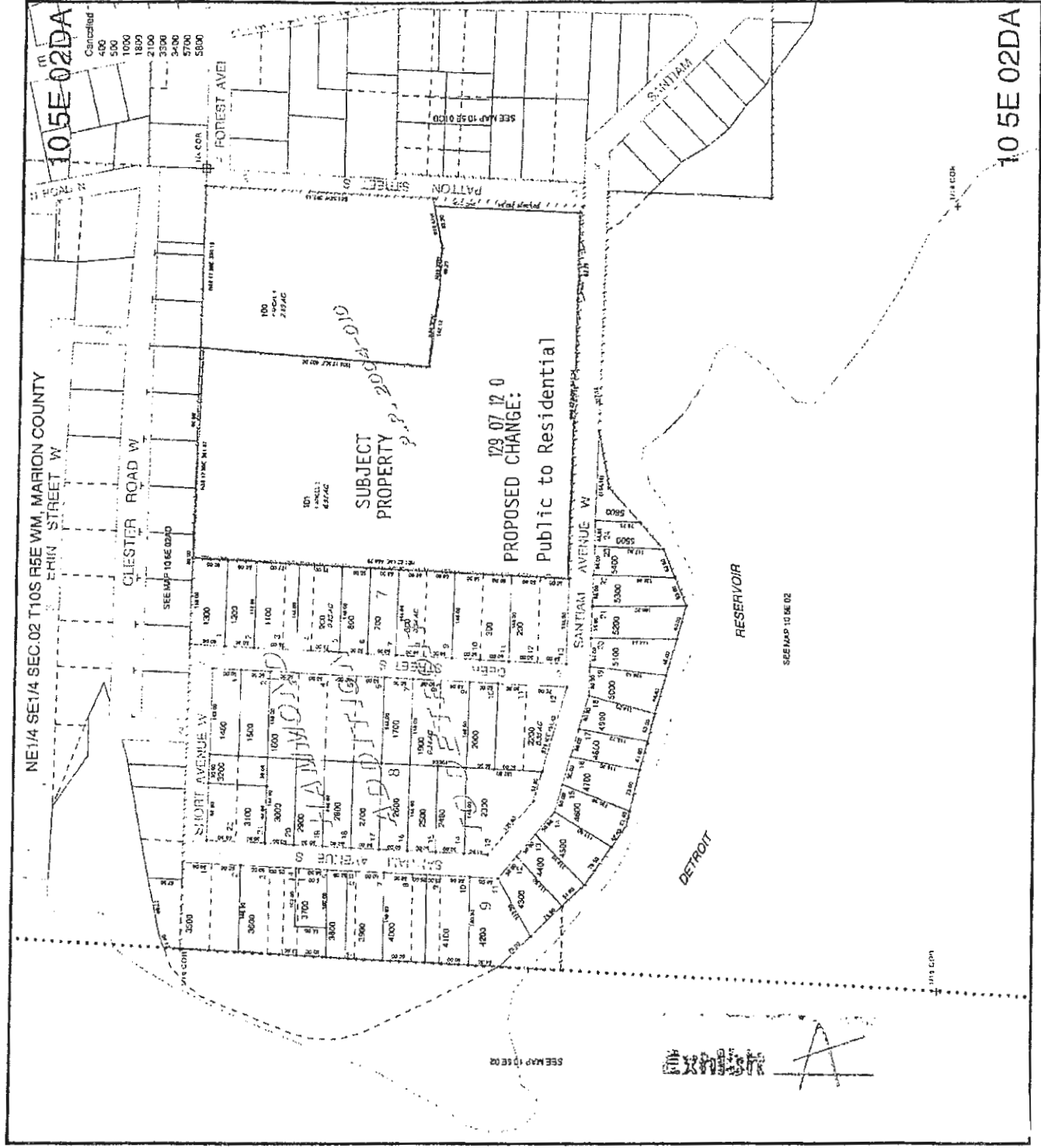
TICK MARKS - WHEN A TICK MARK IS INDICATED ON THE EXTENSION OF A LINE, THEN THE DIVISION CROSSES TO THE TICK MARK. USUALLY THIS IS USED WHEN DIVISIONS GO INTO PUBLIC RIGHT OF WAY.



NOTICE: This map was created for Assessor's Office use ONLY.



SCALE 1" = 100'
Plot file created: January 23, 2012



105E 02DA

105E 02DA

City of Detroit Comprehensive Plan and Zoning Map, 2009

