

EXHIBIT A
FINDINGS OF FACT
ADOPTION OF TEXT AMENDMENTS TO LOWELL DEVELOPMENT CODE;
ADOPTION OF TEXT AMENDMENTS TO LOWELL COMPREHENSIVE PLAN;
ADOPTION OF NEW ZONE/PLAN MAP; ADOPTION OF REVISED REGULATING PLAN; AND
REZONE OF CERTAIN PROPERTIES

I. BACKGROUND

The proposed code amendments to Lowell’s Development Code codify elements of the Downtown Master Plan, which was adopted in 2019 by the City Council. One of the first recommendations and actions from the Downtown Master Plan was for the City to undertake an update to its Development Code. With the assistance from the State of Oregon’s Transportation Growth Management (TGM) Program, the City officially began the process of updating its Development Code in the summer of 2020. Throughout the two-year process, the proposed amendments were guided by a Code Committee. The Code Committee was formed of local residents, business owners, and sitting Planning Commissioners. Routinely, the City and consultant would present concepts and draft amendments to the Code Committee at in-person and remote meetings. The Code Committee provided vital feedback and direction on the proposed amendments. The City also held two Community Open Houses in which the public was invited to presentations put on by the consultant and were offered an opportunity to review and provide detailed feedback on the proposed amendments. The second Community Open House was very well attended with about 30 individuals attending, including several City Council members and numerous stakeholders of the community. A complete listing of the public’s involvement and meetings that were held with respect to this project is provided for below in **Section II**.

The City’s efforts to update its Development Code involve more than just updating the text of the Development Code. Included in this project are amendments to the Comprehensive Plan to introduce a revised Downtown Master Plan Regulating Plan, as well as amendments to Lowell’s Zoning Map to implement the Regulating Plan.

The proposed amendments to Lowell’s Development Code codify the Downtown Master Plan and codify the development standards for each zone contained in the Regulating Plan.

In addition to implementation of the Downtown Master Plan, the City also requested support to perform some other updates to its Development Code. These updates include proposed reduction of minimum lot sizes in all residential zones, implementation of a “types” based land use application system, expansion of the types of permitted dwelling types in all residential zones, and general housekeeping to make the code consistent with changing state laws, and clearer.

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These findings will address the following proposed land use actions:

- Adoption of text amendments to the Lowell Development Code;
- Adoption of text amendments to the Lowell Comprehensive Plan;
- Adoption of new Zoning Districts and Comprehensive Plan Map (the rezoning of properties contained within the boundaries of the Regulating Plan); and
- Adoption of a revised Downtown Master Plan Regulating Plan.

The above-mentioned actions will all be adopted by ordinance to be passed by the City Council and will follow the legislative decision process.

II. PUBLIC PARTICIPATION PROCESS

As alluded to in Section I, the proposed code amendments were part of a two-year long process, with which the public and community was regularly engaged. This section enumerates the several public, Code Committee and decision maker meetings and hearings that were held before formal adoption of the amendments were made final.

- *August 25, 2020, community site visit and walking tour with key community members and members of the Economic Development Committee;*
- *December 14, 2020, Code Committee Meeting #1;*
- *January 27, 2021, Community Meeting #1;*
- *March 3, 2021, Planning Commission Work Session;*
- *July 18, 2022, Code Committee Meeting #2;*
- *September 27, 2022, Community Open House Meeting #2;*
- *October 18, 2022, Joint Planning Commission and City Council work session;*
- *January 4, 2023, Planning Commission Public Hearing on proposed amendments; and*
- *January 17, 2023, City Council Public Hearing final action on proposed amendments and first reading of adopting ordinances; and*
- *February 7, 2023, second reading of adopting ordinances.*

Notice of all the proposed amendments, and the public hearings, was published in the Register Guard newspaper on December 6, 2022. Additionally, on December 8, 2022, notice was mailed to all property owners who owned property within the boundaries of the Regulating Plan, and thus would have their property's zoning designation changed, consistent with the Regulating Plan. Further, notice of the proposed amendments, and public hearings was included in the City's monthly utility billing that went out to all ratepayers in Lowell.

III. STAFF REVIEW OF APPLICABLE APPROVAL CRITERIA

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Criteria from the Lowell Development Code and Lowell Comprehensive Plan appear as **bold italic** text in these findings.

Section 9.253 Amendments. It is recognized that this Code or the Lowell Comprehensive Plan may require amendments to adjust changing circumstances. An amendment may require either, a Legislative Decision as defined in Section 9.303(b) or a Quasi-judicial decision as defined in Section 9.303(c) depending upon whether the amendment applies to the Code in general or to a specific property.

Amendments may be either Text Amendments or Map Amendments. The City utilizes a single land use map as a Comprehensive Plan and a Zoning Districts Map, therefore a zone change map amendment is an amendment to the Lowell Comprehensive Plan and the Lowell Development Code.

(b) Decision Criteria. All requests for an amendment to the text or map of this Code or the Comprehensive Plan may be permitted upon authorization by the City Council in accordance with following findings:

(1) The proposed amendment does not conflict with the intent of the Comprehensive Plan.

FINDING: To address approval criterion #1, staff turn to a review and discussion of relevant policies, goals and provisions of the Lowell Comprehensive Plan.

Section 9.914(d) Plan Amendments and Local Plan Changes, Plan Amendments and Local Plan Changes.

Plan Amendments should be made as needed to maintain the Plan as an up-to-date guideline for urban development in Lowell. Section 9.253 of the Land Development Code provides the procedures for Code or Plan Amendments.

FINDING: Section 9.914(d) of the Lowell Comprehensive Plan envisions future revisions and amendments will be necessary to keep the Plan up-to-date and remain a guideline for development in Lowell. The proposed code amendments, and associated zone changes have been developed to address community needs as directed by community requests and feedback. The revisions are necessary to maintain the Plan and guide growth and development in Lowell.

A complete Plan review should also be performed at least once every five years to determine if major revisions to the Plan or Code are necessary. A public notice should be issued if it is

determined that amendments are needed.

FINDING: The primary impetus for the proposed code amendments, and associated zone changes, was the City's review of its Downtown District, which resulted in the City seeking funding for, and ultimately adopting, a Downtown Master Plan. The next logical step, following formal adoption of the Downtown Master Plan was to amend the Development Code to fully implement and codify the recommendations of the Downtown Master Plan. As part of the adoption and hearings process for the amendments, the City has duly noticed affected property owners and the public at-large through mailing, posting, and publishing of notices.

Plan Amendments include text or land use map changes that have widespread and significant impact within the community.

FINDING: The proposed amendments include text amendments to the Development Code, Comprehensive Plan, and the zoning districts/Comprehensive Plan map. These amendments have widespread impact within the community.

The Comprehensive Plan or Land Development Code should be revised as community needs change or when development occurs at a different rate than contemplated by the Plan. Major revisions should not be made more frequently than every five years unless changing conditions warrant this significant action.

Local Plan Changes do not have significant effect beyond an immediate area, such as a request for a Land Use District or Zone Change affecting a single ownership. Local Plan Changes do not represent a policy change relative to the community as a whole. The need and justification for the proposed change should be clearly established. Local changes should be made as needed to maintain the Plan as an up-to-date guideline for community growth and development.

Major Amendments and Local Changes to the Plan or Code must be adopted by the City Council following a recommendation by the Planning Commission based upon citizen involvement, and coordination with other governmental units and agencies. Citizens in the area and affected governmental units will be given an opportunity to review and comment prior to any proposed Plan or Code change.

FINDING: The proposed amendments are major amendments because they affect more than a single area or property owner. The major amendments will be reviewed by the Planning Commission at a public hearing. The Planning Commission will make a recommendation to the City of Lowell

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City Council for final approval. The citizens of Lowell will have an opportunity to review and comment on any proposed amendments, prior to final approval and adoption.

Section 9.914(j) Zoning and the Comprehensive Plan, Plan Amendments and Local Plan Changes.

The Comprehensive Plan, while a guide for zoning actions, is not a zoning regulation. Zoning regulations are detailed pieces of legislation that are intended to implement the proposals of the Comprehensive Plan by providing specific standards for use of land in various districts within the community.

It is important that zone change proposals be considered in relation to the policies and aims of the Comprehensive Plan. Amendments to the Zoning provisions of this Code that are consistent with the Comprehensive Plan can proceed as provided in the Code. However, zoning amendments that are contrary to the intent of the Comprehensive Plan should be reviewed first as a potential Plan change. If the zoning amendment is deemed in the public interest, then the Comprehensive Plan should be so amended before action on the zoning amendment proceeds. This procedure should guarantee essential coordination between the two planning instruments.

The City of Lowell has prepared a Land Use Development Code in conformance with the City's Comprehensive Plan and has incorporated the Plan therein to facilitate coordinated decision- making.

To further facilitate coordinated planning efforts, the Zoning Map and the Comprehensive Map have been combined into a single Land Use District Map.

FINDING: The amendments to the text of the Comprehensive Plan are limited and surgical in nature. The scope of work established between the City of Lowell and DLCDC limits amendments to the Comprehensive Plan to those necessary to effectively implement a discrete list of amendments including the addition of the five new zoning districts being proposed, as seen on the Regulating Plan. The new zoning districts are:

- Downtown Flex-Use 1;
- Downtown Flex-Use 2;
- Downtown Residential Attached;
- Downtown Residential Detached; and
- Public Lands – Downtown.

The “Greenspace/Parks” area seen on the Regulating Plan will remain Rolling Rock Park and will not have adopted zoning or building standards for its use. The use, look and feel of Rolling Rock Park is controlled by the Lowell Parks and Open Space Master Plan, and the authority for how it

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is developed will remain with the residents of Lowell, City Administrator and the decision-making bodies of Lowell. It is important to note that Lowell utilizes a singular Zoning Map and Comprehensive Plan Map – they are one in the same. An amendment to the Zoning Map is also an amendment to the Comprehensive Plan map. Concurrent with the adoption of the proposed code amendments, the City is also amending its Zoning Districts and Comprehensive Plan Map to reflect inclusion of the new zoning districts, consistent with the Regulating Plan.

Lastly, the zoning district of “Downtown-Commercial (C-2)” is proposed to be removed entirely as a functional zoning district. This is because the lands that were once within the C-2 zoning district will now be rezoned to either Flex-Use 1 or Flex-Use 2. The uses that were permitted in the C-2 zone will remain permitted uses in the Flex-Use zones; the Flex-Use zones will allow a broader range of uses than the C-2 zoning district. Lowell’s other commercial zoning district, “General Commercial (C-1)” will continue as a zoning district, and the development standards of the C-1 district will remain in the Development Code. The newly adopted zoning and Comprehensive Plan Map will not reflect any lands zoned C-1. The City wishes to retain the C-1 zoning district in the event future commercial uses seek to locate in Lowell that are outside the Downtown Core Area.

Section 9.919 (b) Lowell Planning Goals, Goal 2: To encourage development in a planned and considered manner consistent with the community’s vision, general health, safety and welfare.

FINDING: The proposed amendments to the Development Code and rezoning of properties, consistent with the Regulating Plan, were driven by the community’s vision for planned and future development of both Lowell Downtown and the community as a whole. The community’s vision for growth and development of the Downtown District is encapsulated in the Lowell Downtown Master Plan, which was adopted by City Council 2019. The broader (community-wide) code amendments emerged through long-observed inconsistencies or shortcomings, recent changing needs and other regulatory developments.

Section 9.939(c), Policy 7: The City recognizes the need to create a centralized downtown business district in Lowell and shall encourage new retail, office and service commercial developments to locate there.

FINDING: The proposed amendments, Regulating Plan, and previously adopted Downtown Master Plan, characterize a downtown dynamic the City is supportive of with respect to revitalizing Lowell’s Downtown District. The Regulating Plan creates five new zones, which are all located in the Downtown District of Lowell, that permit mixed uses to include residential and commercial.

Section 9.949(c), Policy 7: The City shall develop standards for mixed housing and commercial use in its downtown commercial core as part of a Downtown Development Plan.

FINDING: The building standards sheets created for each Downtown District zone established by the Regulating Plan, outlines specific building details which development must conform to. This is not a set of comprehensive rules that will result in carbon copy buildings in these zones, but rather a set of broader principles intended to ensure that new development is welcoming and engaging and strengthens and enhances the existing character of the Downtown District consistent with the community's vision for the Downtown District.

Section 9.949(c), Policy 10: Manufactured homes shall continue to be permitted on individual lots subject to siting standards that maintain their compatibility with onsite residential construction.

FINDING: Policy 10 is proposed for deletion. Policy 10 is no longer relevant with the passage of House Bill (HB) 4064. Manufactured homes will continue to be permitted on single family lots, however, with the passage of HB 4064 governments cannot impose siting and design standards on manufactured homes that are not also imposed on regular, stick-built single-family homes.

Section 9.949(c), Policy 11: The City shall support efforts to reduce housing costs by providing enough residentially zoned land to support a mix of housing types and density that address the needs of its citizens.

Section 9.949(c), Policy 14: The City shall support orderly in-fill development of underdeveloped land in existing residential areas.

FINDING: The proposed amendments permit a wider range of dwellings units to be constructed in Lowell. The amendments now permit Accessory Dwelling Units (ADU) to be built on parcels, cottage cluster housing, and mixed-use developments that intertwine commercial and residential uses. The permission of ADUs is a form of in-fill development that encourages the efficient use of land and allows for underutilized portions of a parcel to be redeveloped with additional dwelling units (up to two ADUS are allowed on each parcel). The proposed amendments directly address Policy 11 and Policy 14 for the City to support efforts in reducing housing costs by permitting a mix of housing types and density and to support in-fill development in residential areas.

Section 9.959(b), Goal 4: To provide an inviting Downtown Core Area enhanced with mixed uses, sidewalks, bike lanes, landscaping, distinctive lighting and underground utilities.

FINDING: The building standards sheets, coupled with the proposed amendments to the

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Development Code aid in creating an inviting Downtown District enhanced with mixed uses, sidewalks and other pedestrian amenities. Staff note that the proposed amendments do not directly address landscaping, sidewalks, landscaping, lighting and underground utilities. The aforementioned pedestrian amenities are already adopted standards within Lowell’s existing Development Code and will remain in effect.

Section 9.959(c), Policy 7: The City shall encourage in-fill development on over-sized lots.

Section 9.959(c), Policy 8: The City shall consider mixed use development within the Downtown Core Area.

Section 9.959(c), Policy 10: The City shall complete a Downtown Development Plan to encourage commercial and public uses to locate within the downtown core area.

Section 9.959(c), Policy 14: The City shall encourage redevelopment of existing commercial properties that are underutilized or those that have fallen into disuse.

FINDING: Policies 7, 8, 10, and 14, directly relate to the proposed amendments to the Development Code. The proposed amendments implement five new zones, as seen on the Regulating Plan, that permits mixed use development within the Downtown District. The addition of ADUs on any residentially zoned parcel offers property owners to utilize extra space on parcels for residential in-fill in the form of ADUs. The building standards sheets for properties located in the Downtown District have the ability to facilitate redevelopment of underutilized commercial properties. The redevelopment of underutilized commercial properties facilitate the vision and growth of the Downtown Core Area as set forth in the Downtown Master Plan.

Section 9.978(a), Goal 4: To encourage alternatives to use of private automobiles.

Section 9.978(c), Policy 9: Off-street parking shall be provided by all land uses to improve traffic flow, promote safety, and lessen sight obstruction along the streets.

Section 9.989(b), Goal 6: To promote energy conservation in all developments.

FINDING: Goal 4 is relevant because the proposed amendments exempt off-street parking minimums for developments proposed within the boundaries of the Regulating Plan. Off-street minimums are exempted to encourage the use of existing on-street parking, and alternative modes of transportation such as walking and biking. The vision for the Downtown District is to provide residential and commercial uses combined in one building or area so that transportation via private automobile is not necessary. It’s important to note that just because

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off-street minimum parking requirements are exempted, that does not mean a developer is prevented from providing space for the parking of vehicles off-street. The exemption removes arbitrary parking requirements that often result in more off-street parking than is required, increased concrete and impervious surfaces. The exemption allows for developers to propose a parking plan that fits the scale of development and the intended use rather than the City setting an arbitrary number of spaces that must be provided. Accordingly, Policy 9 of Section 9.978(c) is proposed for deletion. Off-street parking zones are shown on the Regulating Plan as "Parking Zone." These are the areas in which off-street parking must occur within the Downtown District.

Goal 6 is relevant because the exemption of off-street parking spaces makes energy conservation, in the form of reduced gasoline emissions, a possibility.

Section 9.989(c), Policy 18: The City shall re-establish the Downtown Core Area as the City's centralized service commercial area.

Section 9.898(c), Policy 21: The City shall encourage a variety of housing types and densities and shall support innovative and creative housing methods and planning alternatives.

FINDING: Policies 18 and 21 are applicable because a primary element of the proposed amendments to the Development Code are to fully implement and codify the recommendations of the Downtown Master Plan. The adoption of the Downtown Master Plan, along with the adoption of the code amendments vastly advance Policy 18.

Based on the review and discussion of relevant policies, goals and provision of the Comprehensive Plan, staff conclude the proposed amendments do not conflict with the intent of the Comprehensive Plan. Criteria met.

(2) There is a need for the proposed amendment to comply with changing conditions, new laws or to correct existing deficiencies.

FINDING: The proposed amendments will change the conditions, or in this instance, the standards, to which properties within the Regulating Plan can be developed to. Properties outside of the Regulating Plan will also be impacted, but to a lesser extent and in no case will be further restricted in terms of permissible uses. Because of the amendments, the properties within the boundaries of the Regulating Plan will need to be rezoned in order to implement the new zoning districts and the new building standards. The adoption of the amendments do address a deficiency. Currently, the Downtown Master Plan and Regulating Plan are functional adopted documents, but because the Development Code has not been amended to fully codify the recommendations of those plans, the plans lack some of their regulatory authority. With the adoption of the amendments, the Downtown Master Plan and zoning

districts of the Regulating Plan will be fully implemented and codified into Lowell's Development Code, for which future development must conform to. There is a need for the proposed amendments in order to comply with changing conditions and to correct deficiencies. The proposed rezoning of properties within the confines of the Regulating Plan are necessary to fully implement and codify the proposed amendments, consistent with the recommendations of the Downtown Master Plan. Criterion met.

(3) The amendment will not have a significant adverse impact on adjacent properties.

FINDING: The code amendments planning process has been a two-year process. The process included numerous opportunities for public and other stakeholder feedback. The proposed amendments have been iterative, meaning they have been reviewed and reworked several times by city decision makers, the public and the Code Committee. The proposed amendments and proposed rezone of properties within the confines of the Regulating Plan are not intended or expected to have a significant adverse impact on adjacent properties. Rather, the proposed amendments and rezones are intended to materialize the vision of the Downtown Master Plan, which was created through a public involvement process and adopted in 2019. Criterion met.

(4) The amendment will not have a significant adverse impact on the air, water and land resources of the City.

FINDING: The community and Code Committee have identified Lowell's natural assets as one of its key strengths. Maintaining Lowell's environmental quality is essential to the livability of the community. All decisions were made considering how any future growth and development may impact the natural environment. This goal was particularly important in considering the development of the building standards sheets. This criterion is met.

(5) The amendment will not have a significant adverse impact on public facilities, transportation, the economy, and on the housing needs of the City.

FINDING: The proposed amendments to the Development Code advance concepts that promote downtown development in service of local residents, visitors, and adjacent land uses and property owners. The amendments are intended to create a "multi-modal" Lowell in which other modes of transportation, such as walking and biking, are encouraged. The amendments also codify several new types of dwelling units that are permitted throughout Lowell. These new dwelling units include ADUs, cottage cluster housing and mixed-use development. The proposal is consistent with this criterion.

(6) The amendment does not conflict with the intent of Statewide Planning Goals.

GOAL 1: CITIZEN INVOLVEMENT [OAR 660-015-000(1)]. *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

FINDING: Consistent with the Lowell Comprehensive Plan, a Code Committee has been formed as part of the Development Code amendment process. The Code Committee was made up of local business owners, residents, and city-decision makers. Throughout the process, the Code Committee met on two occasions to review the amendments and provide critical feedback and direction to the consultant team.

The public had numerous opportunities to become aware and engage in the planning process related to the proposed amendments. These opportunities included a Community Open House on September 28, a two-week virtual public workshop, a joint Planning Commission and City Council work session, and two public hearings. City staff sent Measure 56 notice to all property owners who owned property within the boundaries of the Regulating Plan that would have their zoning district changed. Additionally, notice of proposed amendments and public hearings were included in the water bill that has been sent to all properties in Lowell receiving City utility service. Further, notice of proposed amendments and public hearing was published in the Register Guard on December 6, 2022.

GOAL 2: LAND USE PLANNING [OAR 660-015-000(2)]

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

FINDING: The proposal is consistent with Goal 2 because:

- The Development Code and Comprehensive Plan amendments provide a factual basis for land use decisions based on technical analyses used to develop the amendments;
- The ordinances adopting the amendments to the Development Code, text amendments to the Comprehensive Plan, adoption of a new Zoning Districts/Comprehensive Plan Map, rezoning of certain properties, and adoption of a revised Regulating Plan will all be adopted by City Council after a public hearing and two readings of the ordinances; and
- Opportunities have been and will be provided for review and comment by citizens and affected governmental agencies.

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Criterion met.

GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES. To conserve open space and protect natural and scenic resources.

FINDING: These amendments do not create or amend the City’s list of Goal 5 resources, do not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and do not amend the acknowledged urban growth boundary. The proposal is consistent with Goal 5.

GOAL 6: AIR, WATER AND LAND RESOURCE QUALITY. To maintain and improve the quality of air, water and land resources.

FINDING: Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water, and land from impacts from those discharges. The amendments do not affect the City’s ability to provide for clean air, water, or land resources. In fact, one of the main objectives of the amendments is to implement transportation infrastructure strategies that will have a net benefit on water and air quality. Goal 6 is satisfied.

GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS. To protect life and property from natural disasters and hazards.

FINDING: Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits development in natural hazard areas without appropriate safeguards. The amendments do not affect the City’s restrictions on development in areas subject to natural disasters and hazards. Further, the amendments do not allow for new development that could result in a natural hazard. Accordingly, Goal 7 does not apply.

GOAL 8: RECREATIONAL NEEDS. To satisfy the recreational needs of both citizens and visitors to the state.

FINDING: Goal 8 ensures the provision of recreational facilities to Oregon citizens. The Lowell Downtown Master Planned proposed some reconfiguration of park areas in Downtown Lowell (consistent with the contemporary Lowell Parks and Open Space Master Planning process). As a result, the eastern portion of Rolling Rock will be rezoned to Downtown Flex-Use 1, consistent with the Regulating Plan. The plan for this area of Downtown is for it to redevelop with mixed-uses that bring new buildings, uses, and pedestrians to the Downtown Core Area, thus creating a “central park” feeling that is envisioned in the Downtown Master Plan and Lowell Parks and Open Space Master Plan. Accordingly, the amendments are consistent with Goal 8.

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GOAL 9: ECONOMIC DEVELOPMENT. To provide adequate opportunities for a variety of economic activities vital to public health, welfare and prosperity.

FINDING: The proposed amendments codify the recommendations of the Downtown Master Plan, which promotes a balance of livability and economic prosperity. The planning process for the code amendments were conducted in consultation with the Lowell School District and reflects feedback about ways that the downtown can support the school's positive momentum and contribute to attracting young families. Further, the amendments and associated rezone of properties have the ability to spur economic development within the Downtown Core Area by permitting mixed-use development and by regulating and making consistent the building standards to which future development must adhere to. The proposal is consistent with Goal 9.

GOAL 10: HOUSING. To provide for the housing needs of citizens of the state.

FINDING: One of the primary goals of the amendments are to diversify and provide a variety of dwelling units in Lowell. This is accomplished by permitting mixed-use development in the Downtown District – in which commercial uses are located on the ground-floor and residential uses on the upper floors. Additionally, the code amendments adopt standards for and permit new dwelling types such as ADUs and Cottage Clusters. Lastly, the reduction of the minimum lot sizes across all residential zones allows for increased density, which in turn leads to more housing units being provided. The proposal is consistent with Goal 10.

GOAL 11: PUBLIC FACILITY PLANNING. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Urban Facilities and Services-Refers to key facilities and to appropriate types and levels of at least the following: police protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services.

FINDING: Goal 11 is directly relevant because the amendments intend to plan for and anticipate growth in certain areas of Lowell where adequate public facilities already exist. This in turns reduces costs of public improvements by to extend services to far reaches of the City and promoting greater density and compact growth and development within the Downtown District of Lowell. The timely, orderly, and efficient arrangement of public facilities lessens the pressures to expand the urban growth boundary. Statewide Planning Goal 11 is satisfied.

GOAL 12: TRANSPORTATION. To provide of a safe, convenient and economic transportation system.

The Transportation Planning Rule (OAR 660-012-0060), which implements Statewide Planning Goal 12, provides:

(1) If an amendment to a functional plan, an acknowledged Comprehensive Plan, or a land use regulation (including a Zoning Map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or Comprehensive Plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or Comprehensive Plan.

FINDING: The code amendments, and associated zone changes, are aimed toward the provision and encouragement of a safe, convenient, and economic transportation system. A major aim of Goal 12 and the Transportation Planning Rule are to minimize the use of the automobile, vehicle miles travelled, and encourage multi-modal transportation. The code amendments reduce the number of required parking spaces in the City, encouraging more development (services) in the Downtown District, consequently reducing the need for more distant travel. The amendments also encourage different modes of transportation through proposed improvements.

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Regarding the TPR language quoted above, the code amendments, and zone changes, do not change the functional classification of a transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b). In regard to (c), the amendments will not significantly increase the level of development beyond that allowed currently. Therefore, the amendments do not significantly affect any existing or future transportation facilities. Based on the above findings, the amendments are consistent with Statewide Planning Goal 12.

GOAL 13: ENERGY CONSERVATION. Requires development and use of land that maximizes the conservation of energy based on sound economic principles.

FINDING: The proposed code amendments exempt off-street parking minimums for development within the boundaries of the Regulating Plan. This exemption is intended to promote other modes of transportation such as walking and biking. These two forms of alternative transportation are in themselves energy conserving because they do not rely on motor vehicles that rely on fossil fuels for energy. The code amendments, and the building standards, are designed in a manner that takes to heart energy conservation by encouraging and promoting compact urban development that allows residents to meet their daily needs within the city limits of Lowell and not needing, or limiting the extent, to travel outside of Lowell for daily needs. The amendments are consistent with Goal 13.

IV. CONCLUSION

The amendments to the Development Code and Comprehensive Plan are consistent with the applicable approval criteria. Accordingly, the Lowell Zoning Districts and Comprehensive Plan Map shall be updated to reflect the new zoning districts and revised Regulating Plan Map, as presented to Planning Commission and City Council at the respective hearings shall be adopted and the functional and operational Regulating Plan.

V. EXHIBITS

Exhibit A – Findings of Fact

Exhibit B – Ordinance adopting text amendments to Development Code and Comprehensive Plan

Exhibit C – Ordinance approving the rezoning of properties contained within the boundaries of the Regulating Plan, adopting a new Zoning Districts and Comprehensive Plan Map, and a revised Regulating Plan Map

Exhibit D – Amendments to Development Code

Exhibit E – Amendments to Comprehensive Plan

Exhibit F – Zoning Districts/Comprehensive Plan Map

Exhibit G – Revised Regulating Plan Map

City of Lowell

Comprehensive Plan Amendment – Adoption of Lowell Development Code - Findings of Fact

City File No. PAPA 01-23; DLCD File #002-22.

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