

City of Lowell, Oregon
Minutes of the Planning Commission Meeting
January 18, 2023

The meeting was called to order at 6:00 PM by Commissioner Chair Dragt.

Members Present: Lon Dragt, Jason Pickett, Bill George

Members Absent: Lloyd Hall, Suzanne Kintzley

Staff Present: CA Jeremy Caudle, City Planner Jacob Collister, LCOG

Approval of the Agenda: Commissioner Pickett moved to approve the work session agenda, second by Commissioner George. PASS 3:0

Old Business:

Continuing the public hearing started January 4, 2023, regarding Ordinance 309, “An Ordinance Adopting Text Amendments to Lowell’s Development Code and Text Amendments to Lowell’s Comprehensive Plan Codifying the Lowell Downtown Master Plan.”

- Staff report by Jacob Callister Principal Planner Lane Council of Government, who prepared an information packet that is focused on the changes proposed so that the commissioners can go through the list of recommended changes in depth.

Commissioner questions:

- Commissioner Dragt inquired as to the date of the last update of the development code.
 - CA Caudle stated that it was early in the 2000’s.
- Commissioner George suggested that the information needs to be based on more current population standards. So that they can look towards the future.
- Commissioner George noted the proposed reduction to the lot size minimum from 7000 to 5500. He is concerned that developers would come to town and put more houses on the property to reflect other cities.
 - Jacob Callister stated that the issue that they are reviewing are not yet calling for hard decisions, but more of an understanding of the proposed changes. Even if there is disagreement in the final decision.
- Commissioner George inquired about how the idea of lot size reduction came into the conversation.
 - Commissioner Dragt stated that he had initially suggested it as there had been several variance requests brought to the committee for reducing specific lots for building.
- Commissioner Pickett asked for clarification re the information stating dates of 2000-2025 information is up to date.
 - Planner Callister stated that there is a substantial amount of information in the comp plan that is not up to date. That they were not tasked with updating.
- Commissioner George asked if the committee was using the included table to make decisions on the rest of the proposed information.
 - Planner Callister stated that the table showing did not inform the code update or the plan updates. The task that was presented was to update specific policies but not the whole comp plan.

- For practical purposes you can step into principles and implement the Comp plan policies, without providing an overhaul of the whole body.
- The lens for this effort was not about land availability. The effort was really led by: Implementing the comprehensive plan. Which acts similarly to the Constitution of Lowell.
- The purpose of this work session and the commission is to make recommendations to the council not in making final decisions that will cement the plan.
- Commissioner George was concerned regarding the timeline for making the decisions on this very important plan.
 - Commissioner Dragt stated that there was a timeline for the LCOG grant to pay for the changes which matures in March 2023.
- Planner Callister- TC50 the red lined out area- item number 10.Manufactured homes shall continue to be permitted on individual lots subject to siting standards that maintain their compatibility with on-site residential construction.is proposed to be removed.
- Planner Callister - 9.951 TC51 – introducing land use district types for the Downtown: Introducing a category of districts. Not a regulation
 - The only proposed change would be to specify in the Downtown. Flex-Use 1 and Flex-Use 2 land uses include commercial, mixed-use, and residential uses that are ideal for locating within the Downtown Core Area.
- Commissioner Pickett referenced TC52 and TC53 – stated that the graph will have outdated titles, like C2, if the update is finalized.
 - Planner Callister said that there are some “housekeeping” type updates that will happen with the changes.
- Planner Callister stated that the C1 is a zone of entry for future utility. There can be zones in the code that don’t actually manifest. If we have a downtown master plan that has a fixed boundary and there is a proposal for a commercial on the fringe for some time in the future, then we have a plan.
- Planner Callister - Comprehensive plan is very much a sort of an organizing document that essentially enables and empowers a developer. It details almost everything when it comes to development code.
- Planner Callister - The comp plan will have a life span of decades. But there are references to zones that do not exist. But it does not make the document outdated. This would be a housekeeping item. To put all things in alignment.
- Commissioner Dragt reminded the committee that the focus is to focus on the red – the changes proposed.
- Planner Callister - TC54 – proposes a narration to some sort of historical update. It is a reference to enable a development code update that is not objective and obviously inconsistent with the comp plan.
- Planner Callister- TC67 is a reference to the updated Water Master Plan. It is calling out the new adopted Master Plan of 2022, that there is more specific information in that document.
 - Commissioner George asked about the updated Water Master plan and why it was not included in the packet.
 - Planner Callister stated that the Water Master Plan was an independent document. Just as the Parks Master Plan, both are referenced in the document.

- Planner Callister- Quite a bit of red on TC71 and TC72, these are proposed to be removed with the update. As they are policies that were adopted as part of the Parks Master plan as added to the parks policies in the comp plan.
- TC88 with regards to the removal of 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.
 - The reason for this removal of this is that the proposal that is coming before the Planning Commission has language that is nuanced that it introduces related to this. Suggesting that in the downtown zone off-street parking is not a requirement.
- Planner Callister -Reference to the new districts that are in the downtown. New residential districts that are introduced in the zones -TC102– removes the Downtown Commercial C2.
- The same with TC103, where the Downtown Flex is introduced in more detail here.
 - Downtown Flex 1-
 - Downtown Flex 2-
- Grammar change in Industrial designation, also on page T103
- Public Lands downtown was established as well. There is a lot of public lands in the downtown area.
 - Functionally this does not change much at all but is used to distinguish the public lands downtown from the public lands that are not in the downtown area.
- Planner Callister - TC111- This is a reference to the Comprehensive plan maps index, which is used to simply keep track of the most current versions of map. This is to call out the change, if adopted. This would call out the change to the zoning map and the regulating map.
- Planner Callister - TC113 – This is the last page for the narrative, the text which is calling out the regulating plan map. It provided content for the map that follows which is the reg plan that emerged from the Downtown Master Plan.

Planner Callister– the comprehensive plan is two things:

1. There are policies that have to be adjusted to accommodate changes in the Development code.
 2. There are a few but most of the changes are housekeeping to make sure that references in the text used are consistent with the development code proposal. The comprehensive map really follows the Development code.
- - Commissioner George – stated that some of the changes would not make him want to live here.
 - Planner Callister – stated that that was exactly what should emerge from this proposal process. Lets talk about what the proposed changes are.
 - COMMISSIONER GEORGE – stated that he had some concerns regarding the process of making the decisions on the proposal, if the commission even has the right info to decide on making the changes that they propose.
 - Planner Callister clarified that they were not undertaking the sort of analysis that Commissioner George is describing. Any changes that are being proposed are backed up with analysis. Trying to create a context for understanding the reasoning behind, say the proposed reduction in lot size. This is not a comprehensive plan process.

- Planner Callister encouraged the commission to share their concerns and questions about the proposals.
- Commissioner Dragt – suggested they go page by page and ask on each page if there are questions regarding anything on that page.
- PG – question 9.107 administration references a different code 9.107-
 - Planner Callister explained that this was not a change, just a highlight to call out for clarity.
- Planner Callister - 9.202- this is a disclaimer that states that if the current document references a specific topic and there is a change in Oregon law, or Federal law that comes later. This states that changes in the law are not accounted for when this document was created. And the document will follow the current law, though not written.
 - Likewise, if the Planning official or the City Administrator, to provide any of the information required for a pre-application consultation, as outlined in Section 9.201, shall not constitute a waiver of any of the standards, criteria, or requirements for the application.
- Planner Callister – the next section proposed clarifies the Types. Type I- Type IV.
 - Specifies the process for each of the different Types. To make it clearer for development.
 - Type I decisions are made by the City Administrator with no public notice or hearing. When there are clear and objective approval criteria and applying City standards and criteria requires no use of discretion.
 - Such as a building permit in an established development.
 - Final on a Subdivision
 - Type II decisions are made by the City Administrator or his or her designee, with public notice, and an opportunity for a public hearing if appealed. Type II decisions may be heard by the Planning Commission. The appeal of a Type II decision is heard by the Planning Commission.
 - Property line adjustments
 - Non-conforming use determination
 - Code interpretation.
 - Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III decisions generally use discretionary approval criteria.
 - Sit plan review.
 - Subdivision tentative.
 - Partition, variance, replat
 - Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy. Type IV matters are considered initially by the Planning Commission for a recommendation, with a final decision made by the City Council. Appeals are submitted to the Oregon State Land Use Board of Appeals (LUBA).
 - Annexation, Vacations
 - Adoption of land use regulations
 - zone changes.

- Comprehensive plan amendments that apply to entire districts, not just one property.
- Planner Callister - Section 9.206 gives a breakdown of the steps in detail for the procedures for each type.
 - Commissioner Pickett – questioned the need for a reference for in this section regarding “contacting a Rail Line authority”, since there are no rail lines in the city of Lowell. And it would be one less box that has to be checked in the processing.
 - Planner Callister – stated that they could remove the reference to the rail line. That could be adjusted in the housekeeping of the document.
- Commissioner George – had a question regarding the Type I – the final decision-making power of the City Administrator. That there was no place to go if the decision was not in their favor.
 - Commissioner Pickett - echoed and asked for clarification if this was just for type I
 - Planner Callister – informed that this was just Type I.
 - Commissioner Dragt – explained that the City Administrator making the decision is timely, if the developer/builder had to go through the public hearing process and the planning commission had to be involved in every building process – that would be a roadblock.
 - Planner Callister - the biggest critique that he has experienced is that the process must be predictable. It has to be objective. With no surprises. The Types breakdown is a standardized process, that has a clear process. Much more straightforward.
 - Commissioner Pickett – questioned the 120-day time threshold. Wondered if this was to allow for more time to make the decision.
 - Planner Callister – stated that this is a state law and generally is not an issue.
- Planner Callister - 9.211 - A lot consolidation is the legal incorporation of two or more existing lots or parcels of land to form a single, larger property. This is different from Lot line adjustment. This is the removal of a property line.
 - Not uncommon
- Commissioner Pickett – 9.213 question about proposed (5)(b)(3) All affected properties will comply with the minimum lot depth, width, and area standards of the applicable zone after the proposed consolidation. He gave an example of some property that the school currently owns that would not meet this minimum depth. He wanted to clarify that existing conditions are considered.
 - Planner Callister - Explained that the code is not written for the exceptions. There is a process to address these exceptions.
- Planner Callister – 9.211 Is essentially creating the administration detail around consolidation. This points back to the Types.
- Planner Callister – 9.220- This is a change; Lowell had a somewhat unique dynamic where subdivisions were processed by what is essentially a Type IV process. Meaning the subdivision would come to the planning commission, who would then provide a recommendation to the City Council. This was very unusual.
 - With the code committee’s opinion that subdivisions are a more appropriate Type III review process. Meaning they get noticed widely, Planning Commission has a

- hearing. Planning Commission provides a decision. Which can always be appealed to the Council.
 - They are no longer going to the Council as a matter of default. This way the Council is not bothered by things that aren't controversial, that are at their level.
- Planner Callister – 9.228 (b) is introduced in substitution for (c) and (d) – they get into much more detail than is practical or necessary about anticipating future growth for a partition.
- Planner Callister – 9.229 –Removed, the exact information that was here is better explained in the Types Section.
- Planner Callister - 9.230 – added language about Final. Just clarifying that the culminating action for a subdivision and a partition is a Final Subdivision and a Final Partition Plat.
- Commissioner George - asked for clarity in 9.236 regarding the one-foot reserve strip that shall be provided.
 - Planner Callister – explained that the reserve strip comes into play when there is a new subdivision, a reserve strip is essentially a placeholder to ensure that when the next property builds out there is access.
- Planner Callister – Previously Lowell did not have a distinction between a minor change or a significant change. This allows the City Administrator through the Type I process to approve a minor change without the process needing to start all over again.
- Planner Callister – 9.250 – Site Plan Review- An application for a use or development requiring a Site Plan Review by the Lowell Planning Commission shall be processed and submitted in accordance with the procedures of a Type III land use application for proposed development located outside of the boundaries of the Regulating Plan. Proposed development within the boundaries of the Regulating Plan shall be processed and reviewed utilizing a Type II land use process.
 - This just adds the distinction that the downtown site plan review does not come before the planning commission.
 - Type II a decision by the staff, again with the opportunity for a public hearing if appealed.
- 9.250 B - Decision Criteria. After an examination of the Site and prior to approval, the Planning Commission, or City Administrator in the case of development within the Regulating Plan, conforms to the Building Standards Sheets as listed in Section 9.404
- 9.250 C - Decision Process. The procedure for taking action on an application for a Site Plan Review shall be as follows:
 - Type III Site Plan Review shall be conducted in accordance with the Type III land use procedures for development proposed outside of the boundaries of the Regulating Plan. Proposed development within the boundaries of the Regulating Plan shall be conducted in accordance with the Type II land use procedures.
 - Added language to the Conditional Use Application. Conditional Use Permit requests shall be processed in accordance with the Type III land use procedures.
 - A Conditional Use requires a Public Hearing by the Planning Commission in conformance with the Type III procedures of Section 9.309.
- 9.251 - Conditional Use Application. Conditional Use Permit requests shall be processed in accordance with the Type III land use procedures.

- Commissioner George - moved to 9.408 – specifically the minimum Lot area of 5500 as opposed to 7000.
- Planner Callister - 9.620 – Flood Hazard Development – this is akin to the Parks master plan and the State law regarding Manufactured homes. This is a process that occurred independently in 2022 by the city to be in alignment with FEMA’s Flood insurance standards. This was required to be part of the program. This is not part of the discussion as this is complete.
- Planner Callister – 9.710 – Use Standards- another section that is not related to our project but a process that mandated by state law that was folded in. House Bill 4064, cities across the sated are required to remove standards that they have related to manufactured dwellings that are unique to manufactured dwellings. Such as, separate rules for stick-built homes are no longer allowed.
 - Commissioner George asked if there were any plans to create a mobile home park. They are less expensive than a stick-built house. More accessible for those with less income.
 - stated that this was not specific to excluding or promoting a mobile home park.
- Commissioner Pickett – noted that there were a few cases of Section XX listed. That will need to be completed with the correct section number.
- Planner Callister – stated that they have completed the content that was planned for in the agenda for this evening. The commission will have more to talk about at the next work session. Specifically, the building standards sheets, accessory dwelling units, cottage clusters.

Planner Callister thanked the commission for their work at reading and bringing questions to the work session.

Community remarks:

Ken Hern – stated that he had read through the proposed plan, he asked if it might be possible to have better headings on each page as the specific topics on each page.

Planner Callister stated that this was an excellent idea.

New Business: none

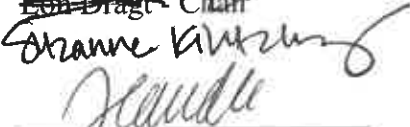
Next meeting 1/25/2023

Other Business: None

Adjourn: 8:03 PM

Approved: 
~~Lon Dragt~~ Chair

Date: 3/6/24

Attest: 
 Jeremy Caudle, City Recorder

Date: 3/7/24