

City of Lowell
Planning Commission
Work Session Meeting Minutes
January 25, 2023

The meeting was called to order at 6:02 PM by Commissioner Chair Dragt.

Members Present: Lon Dragt, Jason Pickett, Bill George, Lloyd Hall

Members Absent: 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 4:0

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.”

Commissioner Dragt reminded the commission that the discussion tonight would be focused on the item in red.

Commissioner Geroge interjected that he had some questions regarding some of the items not in read that he felt needed to be addressed as well.

Staff report by Henry Hurley 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 Geroge interjected that he had some questions regarding some of the items not in read that he felt needed to be addressed as well. He was further concerned that the census information was from more than two census ago. He was concerned that they were making decisions based on incorrect information.
 - Commissioner Dragt reminded the commission that those are concerns, but the focus tonight was the items in red. Stating that next month when the commission comes back together, if there is an issue with all the rest of the code that will affect this, they can vote no and not recommend the change until all the other changes are made.
 - PH – what is being done with this update is being driven by the master plan and funded by PLCD. So the purpose of this entire two year long program was to institute the Downtown Master Plan.
 - CG – Countered that in order to do that it has to be current. He was concerned that for anyone who is looking to develop in this town they will need to have the right information.

- PH – reminded that some of the information needs to be discussed in a public hearing.
- PG – had concerns about the lot change to 5500. And gave statistics about the difference between 5500 to 7000.
 - PD – reminded that the public hearing is the place to discuss some of the final decisions. The work session is to clarify the understanding.
 - PC – stated that he agreed with both Commissioner Dragt and George.
 - CD – agreed that there does need to be discussion about what is being brought up but in the public hearing is the correct venue.
 - PH – the Commission makes recommendations the Council will ultimately make the final decision.
- PH – reviewed the planned agenda for the evening.
- Picking up where the commission left off – Section 9.253 Amendments.
 - (c) No application of a property owner for an amendment to the text of this Code shall be considered by the City within a one-year period following previous denial of a similar request, except that the City Council may permit a new application if, in the opinion of the Council, new evidence or a change of circumstance warrant it.
 - PH -This is purely administrative
 - CG – asked if we should look at anything crossed out.
 - PH – We can look at it but it is redundant and is being replaced with the new red.
- PH - Section 9.254 Annexations- removed the reference to the Boundary Commission, which no longer exists.
 - Calling out (b) that an Annexation shall follow the Type IV land use procedures.
 - Updates, (D) That the procedure for taking action on an annexation shall follow the Type IV land use process and the following.
 - In (2) & (3) “may” and replacing with “shall “for holding Public Hearings in accordance with Section 9.306
 - Clarifying that in (3) The zoning to be applied to the annexed territory shall be included in the adopting ordinance or be contained in a separate ordinance that is to be adopted concurrently.
 - CG – asked if this clause will have something to do with the public land that is being considered for consideration of change.
 - PH – stated that this would not affect that specific piece of property, since it is out of the downtown area.
 - CD- offered that if the Nelson property that was just outside the city limits was to be brought into the limits, then this clause would affect that.
 - PH - if you annex property that was county you must make it city. A concurrent process

- The rest of the page is just updating the process to have the same language.
- PH – Section 9.304 Notification. This change was due to a state law change from 45 days to 35 days.
- PH – Section 9.305 Limited Land use Review Procedures. This section is being deleted because it will be replaced with the Types application.
- PH – Article 9.4 Section 9.401 Classification of Land Use Districts. This is where the City’s new zones get implemented. The ones in black are the already existing zones and there are the abbreviations for all the zones.
- PH – Section 9.411 Single Family Residential District R-1. Minor changes.
 - (b)(1) The removal for specification of manufactured dwellings.
 - (b) (3) Simplifying language to Family Childcare home
 - (b) (4) Accessory buildings, except for permitted accessory dwelling units, shall not be used for dwelling purposes. More Clarification
 - In (b)(5), (6), (7) Added that Accessory Dwelling Units (ADUs), subject to standards in Article 9.7. Duplexes. And Cottage Clusters, Subject to standards in Article 9.7.
 - This (d)(1) is where the lot size of 7000 is proposed to be reduced to 5500.
 - And in (d)(2) the Minimum lot width to 30 feet from 60 feet.
 - (d)(4) talks about the Maximum building coverage , now includes Accessory Dwelling Unit to go from 35% to 50% coverage.
 - (d)(5) Maximum building height is 2 stories, excluding basements/daylight basements, or 30 feet, whichever is lower. Accessory buildings are limited to one story, with the exception of Accessory Dwelling Units.
- PH – (6) (A) The discussion ensued in the last hearing about the garages and setback. This will be addressed at the hearing. It will be our recommendation to remove that and make it 10 feet. With no differentiation whatsoever.
 - PG – inquired about the minimum lot width change. Questioning how can you build on that?
 - PH – the only frontage standards in Lowell are 16 “ for access. So, 30 is way above 16.
 - PG asked for more clarity.
 - PH – gave an illustration to clarify.
- PH – (6) (B) Side yard Setbacks (1) Interior side yard will be simplified to 5 feet. With (2) the Alley side yard also at 5 feet.
 - For (3) Street side yard: 10 feet. Side facing garages, carports, or other parking structures must be flush with or behind, but not protrude beyond, the side (façade or covered porch) of the primary structure.
 - (C) Rear Yard will remain at 10 feet but allow 5 feet for accessory buildings.

- PH – Section 9.412 Multiple- Family Residential District R-3
 - Uses in that zone are subject to Type I review process, they would go to the City Administrator.
 - This Zone permits all types of multiple housing options, including (1) Duplexes, apartments, and other multiple-family dwellings, including Triplexes and Quadplexes. (2) One single-family dwelling per legal lot. (3) Residential Care Facility for 15 or less people as provided in ORS 197.660 – 670. (4) Family childcare home. (5) Childcare Center.
 - As well as (6)(A) Accessory buildings, except for permitted accessory dwelling units, shall not be used for dwelling purposes.
 - It does place a limit on commerce. (B) No sales, except for authorized garage/yard sales, shall be made from an accessory structure unless it has been approved as a Home Occupation through a Type III process.
 - And expands further to include (7) Accessory Dwelling Units, subject to the standards listed in Article 9.7. (8) Single-Family Attached (9) Cottage Clusters, subject to the standards as listed in Article 9.7.
 - Removes Court Apartments
- PH- the Development Standards – (7) Minimum lot area lowered to 5500 square feet.
 - (8) Minimum Lot width from 60 feet to 50 feet
 - And the depth (9) will remain at 80 feet.
 - (10) Maximum Building coverage including Accessory Dwelling Units and accessory buildings: 50, provided that any patio structure used solely for open space and swimming pool not structurally covered shall not be counted as a structure for ascertaining coverage. Maximum Lot Coverage shall not apply to triplexes and quadplexes, provided minimum setbacks and off-street parking standards are met.
 - (11) The maximum building height remains 3 stories or 45 feet the change is that Accessory Dwellings, unlike Accessory buildings can also be at the Maximum.
 - (12) Remove the 10 foot garage reference
 - Side yard Setbacks (B) (1) Interior side yard will be simplified to 5 feet. With (2) the Alley side yard also at 5 feet.
 - (3) Street side yard: 10 feet. Side facing garages, carports, or other parking structures must be flush with or behind, but not protrude beyond, the side (façade or covered porch) of the primary structure.
 - (C) Rear yard: 10 feet; 5 feet accessory buildings.
- PH – 9.413 Building Standards – This section is the purpose of the code this is the most important part that needs discussion.
 - CP – located more Section XX to be filled in with the correct section numbers.
 - PH – agreed and stated that this sets out the next three sections.
 - PH as CB mentioned that when a builder or developer comes to Lowell and wants it easier to develop. This is the purpose for these standards sheets- it whittles the

development standards down to one sheet so they can quickly and easily see what the standards are for them.

- The Commission was directed to refer to the map that highlights by color coding the specific area that are affected by the various standards. That will only apply to new construction, not to anything currently existing.
- PC – inquired about section (a)(3) you start to see retail requirements. “Ground-floor retail store fronts have large, clear windows to encourage transparency and a sense of place along the pedestrian realm in the Downtown core of Lowell.”. What is the definition of that type or size of window?
 - PH – clarified that that is 75% transparency .
 - CP - stated that this would be a prohibitive cost requirement to developers.
 - PH – reiterated that this was what the committee who worked on the Downtown vision decided on.
 - CP – Questioned Section (b) (3) These building standards shall not apply to the existing use of any building or land and shall not prevent the restoration of a building damaged not more than 50 percent of its assessed valuation by fire, explosion, natural disaster, or prevent the continuance of the use of such building or part thereof as such use existed at the time of such damage, but shall apply to any alteration, expansion, or enlargement of a building or alteration of any parcel. So, with the exception of a few pieces of undeveloped property, everything that is downtown has already been developed. This clause will only affect existing properties that already have buildings on them.
 - PH – that is correct. This would apply the Valencia Property that is not yet developed.
 - 1:27.31 page 82/82

1. Commissioner Dragt inquired as to the date of the last update of the development code.
 - a. CA Caudle stated that it was early in the 2000's.
2. Commissioner George suggested that the information needs to be based on more current population standards. So that they can look towards the future.
3. 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.
4. 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 Discussion and review of the following proposed ordinances—
 - a. 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."
 - b. Ordinance 310, "An Ordinance Approving the Rezoning of Properties Contained within the Boundaries of the Regulating Plan, Adopting a New Zoning and Comprehensive Plan Map, and a Revised Regulating Plan Map."

New Business

Other Business

Adjourn


Suzanne Kintners Chair

3/16/24



3/7/24