

City of Lowell, Oregon
Minutes of the Planning Commission Meeting
March 1, 2023

The meeting was called to order at 7:04 PM by Commissioner Suzanne Kintzley.

Members Present: Suzanne Kintzley, Bill George, Jason Pickett

Members Absent: Lloyd Hall, Carmen Trimble

Staff Present: CA Jeremy Caudle, City Planner Henry Hearley LCOG

Oath of Office:

The City Administrator administered the Oath of Office to the newly appointed commissioner, Suzanne Kintzley. Carmen Trimble was not present.

Approval of the agenda:

Commissioner Pickett made a motion to approve the agenda, this was seconded by Commissioner George. PASS 3:0

Selection of Planning Commission Chairperson:

Commissioner George nominated Suzanne Kintzley for the Chair. This was Seconded by Commissioner Pickett. PASS 3:0

Commissioner Pickett nominated Commissioner George for the position of Vice Chair. This was seconded by Commissioner Kintzley. PASS 3:0

Pledge of Allegiance

Old Business:

The council received an application to consider a 30-day extension request from applicant H&H Lowell LLC regarding land use applications 2022-01, 2022-04, and 2022-06. –

Public Hearing opened at 7:10 pm by Commission Chair Kintzley

Commission conflicts: None.

1. Staff report – Henry Hearley, City Planner - This would be the last extension for this based on the statutory deadline. Recommended that the commission accept the extension and set a date to resume the land use applications.
 - Commission discussion –
 - Commissioner Kintzley asked if there is a requirement to approve this extension?
 - i. Planner Hearley – said that there is no requirement to approve this extension.

- Commissioner George asked why does the city have to give continued extensions? And do they not have to give a reason for this continued extension request.
 - i. Planner Hearley -The reason given is that there is a change in the developer that has caused the delay.
- Commissioner Kintzley – If the developer has changed wouldn't there need to be a new application?
 - i. Planner Hearley -The owner has remained the same.
- Commissioner George asked who does one the property?
 - i. Planner Hearley-in RLID it shows BJ Real Properties LLC
 - ii. Planner Hearley-the owner wanted to be listed as H &H Lowell LLC. They are the same.
- Commissioner Pickett inquired as to how much the city attorney charged for this.
 - i. CA Caudle informed the commission that the applicant gets charged for the legal, planning and engineering needed for the land use applications. This is done 30 days after the decision is finalized.
- Commissioner Kintzley – asked what the 245 day is?
 - i. Planner Hearley – said that they are at 225 days of 245. So 20 days
 - ii. Commissioner Kintzley – so that would be March 21, not May 10th.
- Commissioner Kintzley stated that she thought that it was egregious on them to not have a representative on here to answer this body's questions. As to why they are requesting yet another extension. If it was that important to them for the commission to give them the extension, someone would have been here to answer our questions and not just assume that we would give them the extension.
- Commissioner Pickett asked that if the commission was to deny the extension, what if anything would be legal repercussion to the city. Many citizens have put the time and effort into appearing to discuss this topic.
- Planner Hearley said that he would suggest that the commission not give the whole 30 days, give a smaller time frame.
- Planner Hearley said that they should not make a motion to deny the application, because you have not received the criteria or the merits of the application. The applicant hasn't had the chance to present their case, their side of the story. An applicant is purported to present their case and defend their application.
- Commissioner Pickett countered that this meeting would have been the time to present their side, their argument.
- CA Caudle addressed the commission. When the applicant submitted their extension request staff communicated to the applicant that they were going to recommend that the public hearing be continued. They relied on representation from staff. The concern is that if this body continues without

the applicant being able to be present, that could possibly be unfavorable to the city.

- Commissioner Kintzley suggested that the application be granted for an extension.

Commissioner Pickett made a motion to grant a 14-day extension for LU 2022-01 and LU -2022-06 to March 15, 2023. Seconded by Commissioner George. PASS 3:0

Public Comment :

Bob Burr – 566 E 1st St Lowell - if we give the applicant 2 weeks can they ask for another extension, and can it place the city in a compromising situation.

- Commissioner Kintzley – no more extensions are available.
- CA Caudle – it does not place the city in a compromising position.

As the extension was approved, the rest of the items on the agenda were not up for consideration at this date. The record and comment period on LU- 2022-01,LU- 2022-04, LU-2022-06 will remain open until March 15th, 2023, at 7:00 pm at the Lowell Fire station.

New Business:

Public Comment:

Close Public Hearing 7:46 PM

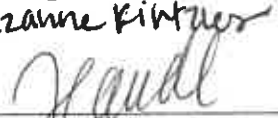
Commissioner comments:

Other Business: None

Adjourn: 9:27 PM

Approved: 
Len Dragt - Chair

Date: 3/6/24

Attest: 
Jeremy Caudle, City Recorder

Date: 3/7/24