

**Planning Commission  
Regular Meeting Minutes  
February 21, 2024**

The Lowell Planning Commission held a regular meeting on February 21, 2024. The meeting location was Lowell Rural Fire Protection District Fire Station 1 at 389 N. Pioneer Street, Lowell, OR 97452. Chair Kintzley called the meeting to order at 7:01 pm.

**Planning Commissioners present:**

Chair Suzanne Kintzley, Bill George, Carmen Trimble, John Petrie, Brenda Sirois.

**Planning Commission absent:**

None.

**Staff present:**

City Administrator Jeremy Caudle, Associate Planner Henry Hearley.

**For the applicant:**

Mark McKechnie, Oregon Architecture; Rajan Mehta, Oregon Architecture; Brian Way, property owner, Kirk Farrelly, Capital Growth Buchalter, Inc. (via Zoom).

**Approval of the agenda:**

Commissioner Trimble moved to approve the agenda, which Commissioner George seconded. APPROVED: 5-0.

**Appointment of chairperson and vice-chairperson:**

Commissioner George moved to appoint Suzanne Kintzley as chairperson, which Commissioner Petrie seconded. APPROVED: 4-1. Commissioner Kintzley voted "no."

Commissioner Petrie moved to appoint himself as vice-chairperson, which Commissioner George seconded. APPROVED: 5-0.

**New business:**

1. Review Land Use Application #2023-03, "Zone change request for map and tax lot 19-01-11-13-06502 from public lands to general commercial and multiple-family residential." – Discussion / Possible action

Chair Kintzley opened the public hearing and described the order to be followed.

Chair Kintzley inquired if any member of the Planning Commission wishes to make any disclosure or abstain from voting due to circumstances that could affect impartiality.

No Planning Commissioner made any such disclosure.

Chair Kintzley inquired if any member of the Planning Commission had any contact with the applicant or other outside source regarding tonight's hearing.

No Planning Commissioner made any such disclosure.

Chair Kintzley inquired if any Planning Commissioners had visited the site.

Bill George and John Petrie stated that they had driven by the site. Chair Kintzley responded that this is unavoidable.

Chair Kintzley inquired if anyone in the audience had any objections to the Planning Commission's jurisdiction or impartiality.

No one in the audience made any such objection.

Associate Planner Hearley provided the staff report, summarized as follows:

- The applicant requests rezoning from Public Lands to C1 and R3.
- A successful rezone would permit the proposed Dollar General development and multi-family development.
- Three public comments were received prior to February 14, 2024, all in opposition.
- Amendments require the Planning Commission to divine the intent of the Comprehensive Plan.
- As explained in the staff report, staff recommend denial as the applicant failed to meet:
  - Decision criterion 1. The intent of the Comprehensive Plan is to focus commercial development on the Downtown Core Area.
  - Decision criterion 5. The proposal would have a significant adverse impact on the economy of the city.

Chair Kintzley started the public testimony section of the hearing.

#### Applicant

Mark McKechnie, Oregon Architecture, with offices at 132 W. Main St., Medford, OR.

McKechnie introduced property owner Brian Way and developer Kirk Farrelly.

Summary of points from McKechnie's presentation:

- The property has been vacant for several years.
- Criterion 1 should be addressed.
- Criterion 5 should be dismissed, as the comments and staff report are based on hearsay.
- The Comprehensive Plan is a living document.
- The proposed development is compatible with the size of similar businesses in the area.

- There isn't enough vacant land in downtown—already zoned commercial—to building something like their proposal.
- Therefore, some land is going to have to be zoned somewhere.
- There's already "commercial venture" to the north side of the subject property.

Brian Way with BJ Properties, with offices in Dexter, then stated that his company bought the property in 2011. Based on their analysis, the community needs commercial development, like what's being planned.

Kirk Farrelly of Capital Growth Buchalter, with offices at 361 Summit Boulevard, Birmingham, Alabama, then introduced himself. He explained that Dollar General identified this area as ideal for a store and that his company (Capital Growth Buchalter) is a preferred developer for Dollar General stores. Dollar General bases their decision for locating a store on what's more convenient for customers.

McKechnie concluded by stating that the proposal would provide another shopping option that is close to home for Lowell residents.

Chair Kintzley then opened the floor to questions from Planning Commissioners.

Commissioner Trimble asked about fresh produce and meat being sold at the Dollar General store.

Farrelly responded that the size store contemplated accommodates fresh produce and meat.

Commissioner George stated that this matter has come to the Planning Commission several times previously. He expressed concerns about competition with existing business in Lowell. He also wondered why Dollar General decided to locate to Lowell.

Farrelly explained that Dollar General bases their decision on a market analysis of location and that Dollar General's goal is to complement the local economy.

Commissioner Petrie wondered about the profitability of a Dollar General for this location.

Farrelly responded that Dollar General determined that this location would be profitable based on their market analysis. Capital Growth Buchalter, as the landlord to Dollar General, also determined that the arrangement with Dollar General would be profitable.

Chair Kintzley also questioned the profitability based on the anticipated draw of customers and size of the store. She asked about details on Dollar General's study. She also clarified that the "commercial venture" on the other side of the property, as McKechnie mentioned, is the Oregon Parks Department building.

McKechnie acknowledged this correction.

With no other questions from the Planning Commission, Chair Kintzley asked for public testimony for those in favor of the proposal.

Testimony in favor of the proposal

No comments provided.

Testimony against the proposal

Andrea Larsen. 657 N. Moss St. Spoke about how Dollar Generals across the country negatively affect local economies. Other concerns include being a crime magnet and poor working conditions. Bridgetown Market already meets local needs. Dollar General would detract from Bridgetown Market. The proposal would also negatively affect the "Downtown Master Plan."

Val Shepler. 172 Wetleau Dr. Resident of Lowell for 1.5 year. Like the small-town charm. Dollar Generals contradict the city's comprehensive plan. Lowell should continue to be an upscale community. Everything that Dollar General offers is offered in the city's existing business.

Patty Trimper. 551 E. 1<sup>st</sup> St. Feels the same as those who've already spoken.

Roy Nelson. 40152 E. 1<sup>st</sup> St. Agrees with the staff report. Agrees with the public comments. Asked, "What is Lowell going to gain with a Dollar General?" The land under consideration should be zoned residential. "The town really went to hell when Dollar General came to town."

Linda Martin. 426 E. 1<sup>st</sup> St. Commented on how her experience working next to a Dollar General led to encounters with vagrancy. City services are already stretched thin without having to deal with new development.

Megan Schauwecker. 698 N. Moss St. Supports rezoning the property as residential. The city already has land downtown, as well as an industrial park. Rezoning would conflict with the availability of the Comprehensive Plan. The store would conflict with surrounding residential uses. There's nothing at a Dollar General that can't already be bought at Bridgetown Market.

Matt Shumski. 92 Wetleau Dr. Where he grew up in Pennsylvania, Dollar General was a parasite to his hometown. The stores were unclean, employees were unhappy, and the Dollar General drove away local business. Dollar General is not compatible with the city's small-town charm. Dollar General store managers make \$35,000 per year, while the executives are paid millions of dollars, showing "what they're really all about." The fact that no one has spoke in favor "speaks volumes."

Bobb Burr. 566 E 1<sup>st</sup> St. Stated that when he moved to Lowell, there were no stores, and he had no problem driving to Eugene for shopping. Doesn't understand why Dollar General decided to locate to Lowell considering they don't have support from the community.

Lori Kernutt. 465 N. D St. (Via Zoom.) Lives next to the property. A Dollar General would ruin the city's quaint environment. The commercial and R3 rezoning are incompatible with surrounding uses since residential uses border the property. She is concerned about the R3 zoning, as this type of zoning allows incompatible uses compared to surrounding properties.

Paula Berman. 71 N. Alder St. (Via Zoom.) Supports the city Comprehensive Plan and staff recommendation. The Dollar General goes against the intent of the Comprehensive Plan. Concerned about long-term viability of the business, as well as the impact of Dollar General on existing business. The proposal would thwart the Comprehensive Plan's goal to locate small businesses within the designated downtown area.

Neutral testimony

No comments provided.

Applicant response and rebuttal

McKechnie summarized:

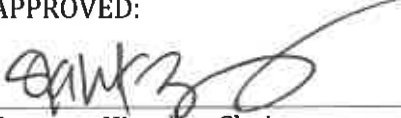
- No tax incentives are involved in the project. It's all market rate.
- The Comprehensive Plan is a living document that's intended to change with the times.
- The size of the proposed business is sized appropriately and compatible with criterion 1.
- The proposal offers shopping options within walking distance, in line with state goals.

Chair Kintzley made the following motion: "Seeing as there is no request to leave the record open or continue the hearing and all parties have had an opportunity to present testimony, I make a motion to close the public hearing and the Planning Commission record. Planning Commission will now enter deliberations to make a recommendation for approval or denial onto the City Council," which Commissioner Petrie seconded. APPROVED: 5-0.

Commissioner George moved "to recommend to City Council that the application be denied for the reasons and findings as stated in the staff report and accept staff's suggestion for interpreting approval criterion number 1," which Commissioner Petrie seconded. APPROVED: 5-0.

Chair Kintzley adjourned the meeting 8:04 pm.

APPROVED:

 3/16/24  
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Suzanne Kintzley, Chair

ATTEST:

 3/7/24  
\_\_\_\_\_  
Jeremy Caudle, City Recorder