

**PLANNING COMMISSION
REGULAR MEETING AGENDA**

Wednesday, August 4, 2021 at 7:00 P.M.
Maggie Osgood Library
70 N. Pioneer Street

Members of the public are encouraged to provide comment or testimony through the following:

- Joining by phone, tablet, or PC. For details, click on the event at www.ci.lowell.or.us.
- In writing, by using the drop box at Lowell City Hall, 107 East Third Street, Lowell, OR 97452
- By email to: jcaudle@ci.lowell.or.us

Meeting Agenda

Call to Order/Roll Call

Commissioners: Dragt ___ Kintzley ___ Wallace ___

Approval of Agenda

Approval of Minutes

- Minutes from the June 2, 2021 meeting

Old Business

New Business

1. Land Use application #2021-09 – Review and render a decision on a conditional use permit request to allow one special needs goat on a property less than one-half acre in size in the R-1 zone, as indicated Lowell Development Code (LDC) Section 9.722.
 - a. The public hearing is now open at ___ (state time)
 - b. Staff report – City Administrator
 - c. Public comment
 - d. The public hearing is now closed at ___ (state time)
 - e. Planning Commission decision on Land Use application #2021-09

Recommended motion: "Motion to approve Land Use application #2021-09, subject to the findings, conclusions and conditions as contained and presented in the Staff Report, presented to the Planning Commission on August 4, 2021."

Other Business

Adjourn

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Clerk, Joyce Donnell, at 541-937-2157.

**City of Lowell, Oregon
Minutes of the Planning Commission Meeting
June 2, 2021**

The meeting was called to order at 7:01 PM by Commissioner Chair Dragt.

Members Present: Lon Dragt, Mary Wallace, Suzanne Kintzley

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

Approval of Minutes: Commissioner Kintzley moved to approve the minutes from April 7, 2021, second by Commissioner Wallace. **PASS 3:0**

New Business:

- **Land Use File 2021-05 (variance) – 103 North Shore Drive, on Map and Tax Lot 19-01-14-23-09809**

Close Public Meeting: 7:04 PM

Open Public Hearing: 7:04 PM

- **Land Use File 2021-05 (variance) – A variance to the front yard setback for the property at 103 North Shore Drive, on Map and Tax Lot 19-01-14-23-09809.**

Staff Report – Henry Hearley City Planner, LCOG, presented report, with recommendation to approve a variance to the front yard setback for the property at 103 North Shore Drive, on Map and Tax Lot 19-01-14-23-09809. Lane County Transportation Planning reviewed application and stated it will have no impact on North Shore Drive.

Applicants Presentation – None

Public Testimony – Written testimony in favor received.

Public Hearing Closed: 7:17 PM

Reconvene Public Meeting: 7:17 PM

Commission Deliberation: Commissioner Kintzley moved to approve variance on Land Use Application 2021-05 A variance to the front yard setback for the property at 103 North Shore Drive, on Map and Tax Lot 19-01-14-23-09809. Second by Commissioner Wallace. **PASS 3:0**

Other Business: None

Adjourn: 7:18 PM

Approved: _____
Lon Dragt - Chair

Date: _____

Attest: _____
Jeremy Caudle, City Recorder

Date: _____

Staff Report
Conditional Use Permit
105 North Alder Street
LU 2021-09 Staff Report Date: July 28, 2021

1. **Proposal.** The Planning Commission is being asked to review and render a decision on a conditional use permit request to allow one special needs goat on a property less than one-half acre in size in the R-1 zone, as indicated Lowell Development Code (LDC) Section 9.722. The subject property is a 0.22-acre single-family zoned residential lot located at 105 North Alder Street, Lowell, OR, 97452 on Assessor’s Map and Tax lot 19-01-15-14-00301 and is owned by Timothy Osborn.
2. **Approval Criteria.** LDC, Section 9.251, paragraph (b) establishes the decision criteria for a conditional use, paragraph (d), establishes the decision process required for conditional uses. In review of a conditional use permit application, Planning Commission may also impose additional standards as listed in paragraph (c). Furthermore, the nature of this particular conditional use permit request Section 9.722 (Agricultural Use Standards) must be considered. An application for a conditional use permit requires a quasi-judicial public hearing before the Planning Commission. Following public hearing and after evaluating the application against the decision criteria contained in LDC Section 9.252(b), the Planning Commission must adopt findings which approve, deny or conditionally approve the conditional use permit application and may attach any reasonable standards of development to attain compliance with the zoning district and the LDC.
3. **Notice.** Notice of the application for conditional use permit (LU 2021-09) was sent to surrounding property owners within a 300-foot buffer of the subject property on July 14, 2021. Referral notice was sent to the Lowell Rural Fire Protection District for comment on the pending conditional use request. No comments have been received regarding this application.
4. **Staff review of applicable criteria for a conditional use:**

LDC 9.251. (b) Decision Criteria. Conditional uses listed in this Code may be permitted, altered, or enlarged upon authorization of the Planning Commission in accordance with the following findings:

(1) That the proposed development can comply with Zoning District standards with Conditions of Approval.

Discussion: The minimum property size per medium sized animal, such as a goat, is one goat per every half-acre. The subject property is less than one-half acre, therefore the use can be authorized conditionally. In the applicant’s case, the subject property is only 0.22 acres in area, thus necessitating a conditional use permit pursuant to Section 9.722(c)(6) which states “*Property owners wishing to maintain animals on smaller lots or exceed the maximum number of animals permitted may have those standards modified as a Conditional Use in accordance*

with Section 9.251.” The proposed goat is a special needs goat and according to the applicant is more like an indoor/outdoor dog than a goat in the traditional sense because of the special care the goat will require. With the approval of a conditional use permit, the applicant would then be in compliance with the standards of the zoning district.

Recommended FINDING for approval: The conditions of approval identified in this conditional use permit to one special needs goats on a property below the minimum lot size, bring the applicant into compliance with the standards in the Zoning District. Criterion met.

(2) That the proposed development complies with applicable provisions of city codes and ordinances.

Discussion: While the requested use is not a development, it is a use that requires a conditional use permit to comply with applicable City codes and ordinances. As conditioned in this staff report and associated findings, the proposed use can comply with applicable provisions of city codes and ordinances.

Recommended FINDING for approval: The approval of a conditional use permit for the raising of one special needs goat on a property below one-half acre in size, as conditioned in this staff report and findings, can comply with applicable city codes and ordinances. Criterion met.

(3) That the proposed development will not cause negative impacts to traffic flow or to pedestrian and vehicular safety and future street rights-of-way are protected.

Discussion: The subject property is completely fenced with a six-foot high fence and contains a kennel. With the goat contained in its respective fenced-in area, the proposed use will not cause any negative impacts to traffic flow or to pedestrian and vehicular safety and future street rights-of-way are protected.

Recommended FINDING for approval: The granting of the proposed conditional use permit, to allow one special needs goat on a property less than one-half acre in size, will not cause negative impacts to traffic flow or to pedestrian and vehicular safety and future rights-of-way. Criterion met.

(4) That proposed signs or lighting will not, by size, location or color, interfere with traffic, limit visibility or impact on adjacent properties.

Recommended FINDING for approval: The applicant is not proposing any signs or lighting associated with the proposed conditional use permit. This criterion does not apply

(5) That proposed utility connections are available, have the capacity to serve the proposed development and can be extended in the future to accommodate future growth beyond the proposed land division.

Recommended FINDING for approval: The proposed use that requires a conditional use permit is not a development and does not involve any utilities. The subject property presently contains a single-family home and receives city services. This criterion does not apply.

(6) That the proposed development will not cause negative impacts to existing or proposed drainage ways including flow disruptions, contamination or erosion.

Discussion: The proposed use of one special needs goat on the subject property is not expected to have negative impacts to existing or proposed drainage ways. The entire property is fenced in, and the goat will not have access to any nearby drainage or waterways.

Recommended FINDING for approval: The granting of the proposed conditional use permit will not cause negative impacts to existing or proposed drainage ways including flow disruptions, contamination or erosion. The proposed goat will not have access to any nearby water or drainageways because the property, in which the goat will reside is completed fenced. Criterion met.

(7) That the proposed development will not cause negative impacts, potential hazards or nuisance characteristics as identified in Section 9.204(u) of the Application Site Plan consistent with the standards of the Zoning District and complies with the applicable standards of all regulatory agencies having jurisdiction.

Discussion: As outlined in this staff report, the property owner is taking measures to insure potential hazards or nuisance characteristics are minimized or eliminated. Such measures will be further addressed in Section 9.722 that deals more specifically with farm animals. The applicant shall maintain the standards as indicated in LDC9.251.

Recommended FINDING for approval: These criteria are met with the following proposed condition of approval:

Condition of Approval 1: Applicant shall remain in compliance with the standards as indicated in LDC9.251 (1 thru 7). Failure to maintain these standards will result in action being taken by the City Administrator, acting on behalf of the City Council, pursuant to LDC 9.108 ENFORCEMENT.

LDC 9.722. (c) Agricultural Use Standards. The raising of pigs and roosters is not permitted within Lowell. The raising of other farm animals in the general field of animal is permitted within the Residential or Industrial Districts under the following conditions:

(1) Fencing must be designed and constructed to confine animals within the property line.

Discussion: As indicated in the applicant's written narrative, the subject property contains a secure kennel and 3,200 square feet of fenced in areas. The proposed goat will spend time inside and outside, similar to the raising of a dog. While outside, the goat will remain in the fenced in and secure areas of the property.

Recommended FINDING for approval: The subject property contains a fenced in area that is adequate for one special needs goat.

(2) A Setback of 100 feet from any off-site residence is required for all farm animal housing, feeding and watering facilities. Exception: fowl, rabbits and similarly sized animal require no additional setback.

Discussion: The applicant indicates in their materials that a setback of 100-feet is maintained from all farm animal housing, feeding and watering facilities from any off-site residence.

Recommended FINDING for approval: The proposed use of one special needs goat on the subject property meets the required 100-foot setback from off-site residences, as identified in LDC 9.722(c)(2). Criterion met.

(3) Proper sanitation shall be maintained in conformance with applicable health standards for all farm animals. Proper sanitation includes:

A. Not allowing animal waste to accumulate

B. Not allowing animal waste to contaminate groundwater or drainage ways.

C. Taking the necessary steps to insure odors resulting from farm animals is not detectable beyond the property line.

D. Storing all farm animal food in metal or other rodent proof containers.

Recommended FINDING for approval: The applicant is aware of the sanitation standards as indicated in subsection 3, above. The applicant will be required to be continually in conformance with proper sanitation standards as indicated in Section 9.722(3). This will be a condition of approval.

Condition of Approval #2: The applicant shall be continually in conformance with proper sanitation standards as indicated in Section 9.722(3). Failure to maintain proper health and sanitation standards as indicated in LDC 9.722 will result in action being taken by the City Administrator, acting on behalf of the City Council, pursuant to LDC 9.108 ENFORCEMENT.

(4) Minimum area requirements include:

A. Minimum property areas of 3 acres. Exception: fowl, rabbits and similarly sized animal require no additional lot area.

B. Minimum area per large animal (similar to cows or horses) over six months of age – one per every two acres.

C. Minimum area per medium size animal (similar to sheep, goats or llamas) over six months of age – one per every half acre.

D. No more than 10 fowl, rabbits or similarly sized animals may be maintained on each 20,000 sf of property of portion thereof.

Discussion: The subject property is 0.22 acres in size; this does not meet the minimum property area of one-half acre for one goat. An exception to the minimum area required can be granted via a conditional use permit as outline in LDC 9.722(6), below. Therefore, the applicant has submitted a conditional use permit to maintain one special needs goat on a property below the minimum required. The granting of a conditional use permit subject to applicable standards can bring the use into conformance.

Recommended FINDING for approval: The applicant has submitted a conditional use permit to maintain one special needs goat on a property below the minimum required pursuant to LDC 9.722(6). The granting of a conditional use permit subject to applicable standards can bring the use into conformance. Criteria met only with the granting of a conditional use permit.

(5) It is the responsibility of the applicant for a Conditional Use Permit to clearly demonstrate that proper health and sanitation standards will be maintained and that potential nuisance factors such as noise, smell and unsightly conditions are mitigated.

Recommended FINDING for approval: These criteria are met with Condition of Approval #2.

(6) Property owners wishing to maintain animals on smaller lots or exceed the maximum number of animals permitted may have those standards modified as a Conditional Use in accordance with Section 9.251.

Discussion: As pointed out earlier in this staff report, the subject property does not meet the minimum area required for farm animals. LDC allows for a property owner wishing to maintain farm animals on a property that does not meet the minimum area to request a conditional use permit. The applicant has followed the appropriate procedure(s) in applying for a conditional use permit to allow two goats on a property that does not meet the minimum required.

Recommended FINDING for approval: The applicant has followed the appropriate procedure(s) in applying for a conditional use permit to allow two goats on a property that does not meet the minimum required. Criteria met.

LDC 9.722 Agricultural Use Standards (d). It is the continuing responsibility of the owner to properly contain or restrain all animals or fowl and to maintain proper sanitation at all times, and further provided that such raising activities are not part of nor conducted in conjunction with any live stock sales yards, slaughter house, or animal by-product business.

Discussion: As pointed out earlier in this staff report, it is the continuing responsibility of the owner to be in continued compliance with LDC 9.722, and has been conditioned to maintain compliance.

Recommended FINDING for approval: These criteria are met with the following proposed condition of approval:

Condition of Approval 3: Livestock sale yards, slaughterhouses, or animal by-product businesses are prohibited as part of or in conjunction with the raising activities of one special needs goat on the subject property.

LDC 9.722 Agricultural Use Standards (e). The above standards are the minimum standards applicable to property located within the City of Lowell, additional sire area or other standards may be required to comply with Health and Sanitation Standards.

Discussion: The Planning Commission in its public hearing and related deliberations may impose other specific conditions of approval to comply with health and sanitation standards. No public

comments have been received regarding the proposed use. Any additional conditions of approval that Planning Commission may impose will require Findings of Fact.

Recommended FINDING for approval: Conditioned upon testimony during the public hearing and or deliberations by Planning Commission, no additional conditions of approval are warranted. Criteria met.

7. Conditions of Approval

Condition of Approval 1: Applicant shall remain in compliance with the standards as indicated in LDC9.251 (1 thru 7). Failure to maintain these standards will result in action being taken by the City Administrator, acting on behalf of the City Council, pursuant to LDC 9.108 ENFORCEMENT.

Condition of Approval #2: The applicant shall be continually in conformance with proper sanitation standards as indicated in Section 9.722(3). Failure to maintain proper health and sanitation standards as indicated in LDC 9.722 will result in action being taken by the City Administrator, acting on behalf of the City Council, pursuant to LDC 9.108 ENFORCEMENT.

Condition of Approval 3: Livestock sale yards, slaughterhouses, or animal by-product businesses are prohibited as part of or in conjunction with the raising activities of one special needs goat on the subject property.

8. Recommendation

Staff recommends the Planning Commission **APPROVE**, as conditioned, a conditional use permit to allow one special needs goat on a property that does not meet the minimum area required as described in LDC 9.722(4)(C).

9. Attachments

Attachment A: Applicant's application

Attachment B: Supplemental materials submitted by applicant

Attachment C: Notice

JUN 30 REC'D

JO

Land Use Permit Application

Site Plan Review Lot Line Adjustment Partition Subdivision
 Conditional Use Variance Map Amendment Text Amendment
 Annexation Vacation Other, specify _____

Please complete the following application. If any pertinent required information or material is missing or incomplete, the application will not be considered complete for further processing. If you have any questions about filling out this application, please contact staff at Lowell City Hall, phone (541) 937-2157, 107 East Third, Lowell.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Map# 1901151400301 Lot # 301

Map# _____ Lot # _____

Map# _____ Lot # _____

Street Address (if applicable): 105 N. ALDER ST

Area of Request (square feet/acres): 3200 sqft fenced yard

Existing Zoning: R-1

Existing Use of the Property: _____

Proposed Use of the Property 1 SPECIAL NEEDS DWARF GOAT W/ SPINAL DEFORMITY TO LIVE INDOOR OUTDOOR & RELIEVE SPECIAL CARE.

Pre-application Conference Held: No _____ Yes _____ If so, Date _____

Submittal Requirements:

1. Copy of deed showing ownership or purchase contract with property legal description.
2. Site Plan/Tentative Plan with, as a minimum, all required information. Submit one copy of all plans 11x17 or smaller; 12 copies of all plans larger than 11x17. (See attached checklist for required information)
3. Applicant's Statement: Explain the request in as much detail as possible. Provide all information that will help the decision makers evaluate the application, including addressing each of the decision criteria for the requested land use action.
- _____ 4. Other submittals required by the City or provided by the applicant. Please List.

a. _____	b. _____
c. _____	d. _____
e. _____	f. _____
- _____ 5. Filing Fee: Amount Due: _____.

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that incomplete applications may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge. I (We) also acknowledge that if the total cost to the City to process this application exceeds 125% of the application fee, we will be required to reimburse the City for those additional costs in accordance with Ordinance 228.

PROPERTY OWNER

Name (print): TIMOTHY M OSBORN Phone: (541) 852-7789

Address: 105 N ALDER ST ~~LOWELL~~

City/State/Zip: LOWELL, OR 97452

Signature: 


APPLICANT, if Different

Name (print): JESSICA J OSBORN Phone: (760) 547-6674

Company/Organization: _____

Address: 105 N ALDER

City/State/Zip: _____

Signature: 

E-mail (if applicable): YNMT.JESSI@gmail.com

APPLICANTS REPRESENTATIVE, if applicable

Name (print): _____ Phone: _____

Company/Organization: _____

Address: _____

City/State/Zip: _____

E-mail (if applicable): _____

For City Use. Application Number _____

Date Submitted: 6-30-21 Received by: JO Fee Receipt # _____

Date Application Complete: _____ Reviewed by: _____

Date of Hearing: _____ Date of Decision _____ Date of Notice of Decision _____

APPLICATION SITE PLAN REQUIREMENTS CHECKLIST
Lowell Land Development Code, Section 2.140

Applications for land divisions or land use requests that require a site plan shall submit the site plan on 8 1/2 x 11 inch or 11 x 17 inch black/white reproducible sheets for copying and distribution. Larger drawings may be required for presentation and City review. Drawings shall be drawn to scale. The scale to be used shall be in any multiple of 1 inch equals 10 feet (1" = 20', 1" = 30', 1" = 100', etc.) and may be increased or decreased as necessary to fit the sheet size. The Application and site plan shall show clearly and with full dimensioning the following information, as applicable, for all existing and proposed development. It is understood that some of the requested information may not apply to every application.

- _____ The names of the owner(s) and applicant, if different.
- _____ The property address or geographic location and the Assessor Map number and Tax Lot number.
- _____ The date, scale and northpoint.
- _____ A vicinity map showing properties within the notification area and roads. An Assessor Map, with all adjacent properties, is adequate.
- _____ Lot dimensions.
- _____ The location, size, height and uses for all existing and proposed buildings.
- _____ Yards, open space and landscaping.
- _____ Walls and fences: location, height and materials.
- _____ Off-street parking: location, number of spaces, dimensions of parking area and internal circulation patterns.
- _____ Access: pedestrian, vehicular, service, points of ingress and egress.
- _____ Signs: location, size, height and means of illumination.
- _____ Loading: location, dimension, number of spaces, internal circulation.
- _____ Lighting: location and general nature, hooding devices.
- _____ Street dedication and improvements.
- _____ Special site features including existing and proposed grades and trees, and plantings to be preserved and removed.

- _____ Water systems, drainage systems, sewage disposal systems and utilities.
 - _____ Drainage ways, water courses, flood plain and wetlands.
 - _____ The number of people that will occupy the site including family members, employees or customers.
 - _____ The number of generated trips per day from each mode of travel by type: employees, customers, shipping, receiving, etc.
 - _____ Time of operation, where appropriate. Including hours of operation, days of the week and number of work shifts.
 - _____ Specifications of the type and extent of emissions, potential hazards or nuisance characteristics generated by the proposed use. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. Misrepresentation or omission of required data shall be grounds for denial or termination of a Certificate of Occupancy.
- Uses which possess nuisance characteristics or those potentially detrimental to the public health, safety and general welfare of the community including, but not limited to; noise, water quality, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference, may require additional safeguards or conditions of use as required by the Planning Commission or City Council.
- All uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and any other public agency having appropriate regulatory jurisdiction. City approval of a land use application shall be conditional upon evidence being submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies.
- _____ Such other data as may be necessary to permit the deciding authority to make the required findings.

NOTE: Additional information may be required after further review in order to adequately address the required criteria of approval.

FNT 4616038366 KM 5 OF 6

Lane County Clerk
Lane County Deeds & Records

2016-025530

06/06/2016 10:33:43 AM

RPR-DEED Cnt=1 Stn=6 CASHIER 05 2pages
\$10.00 \$11.00 \$10.00 \$21.00

\$52.00

RECORDING REQUESTED BY:
Fidelity National Title Company of Oregon

GRANTOR:
Thomas Montgomery and Richard Montgomery
2750 Villa Way
Springfield, OR 97477

GRANTEE:
Timothy M. Osborn

SEND TAX STATEMENTS TO:
Timothy M. Osborn
105 N Alder Street
Lowell, OR 97452

AFTER RECORDING RETURN TO:
Timothy M. Osborn
105 N Alder Street
Lowell, OR 97452

Escrow No: 4616038366-FTEUG03

0817054
105 N Alder Street Lowell, OR 97452

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Thomas Montgomery and Richard Montgomery, Grantor, conveys and warrants to

TMO
Timothy M. Osborn, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Lane, State of Oregon:

Lot 6, LAKE SHORE SUBDIVISION, as platted and recorded in Book 20, Page 20, Lane County Oregon Plat Records, in Lane County, Oregon.

ALSO the West 1/2 of that certain 15 foot pedestrian walkway lying between Lots 6 and 7 of said LAKE SHORE SUBDIVISION, as vacated by Ordinance No. 2, recorded March 12, 1957 in Reel 96, Reception No. 7968, Official Records of Lane County.

ALSO the East 1/2 of that certain 15 foot pedestrian walkway lying between Lots 6 and 7 of said LAKE SHORE SUBDIVISION, as conveyed by Deed recorded April 23, 1957, Reception No. 11269, Official Records of Lane County.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$180,000.00. (See ORS 93.030)

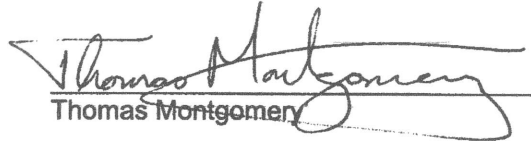
Subject to and excepting:


Current taxes, assessments, reservations in patents, and all agreements, easements, right-of-way, encumbrances, liens, setback lines, reservations, powers of special districts, covenants, conditions and restrictions as may appear of record.

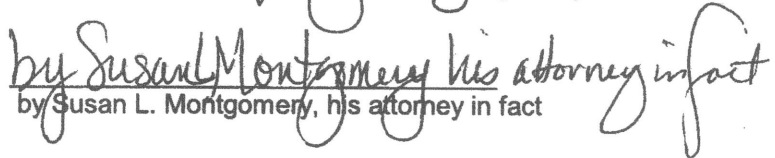
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.308 AND SECTIONS 5 TO 11, CHAPTER 404, OREGON LAWS 2007, SECTIONS 2

APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: June 2, 2016


Thomas Montgomery


Richard Montgomery, AKA Richard J. Montgomery,

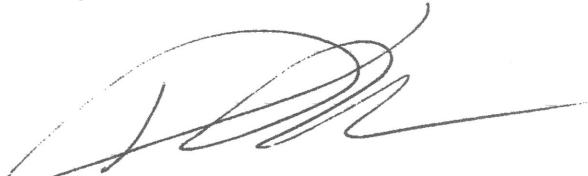
by  his attorney in fact
by Susan L. Montgomery, his attorney in fact

State of OREGON

COUNTY of Lane

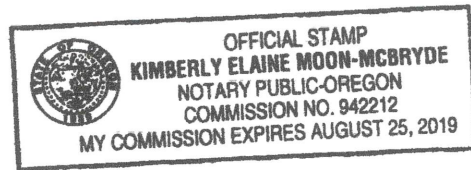
This instrument was acknowledged before me on June 2, 2016

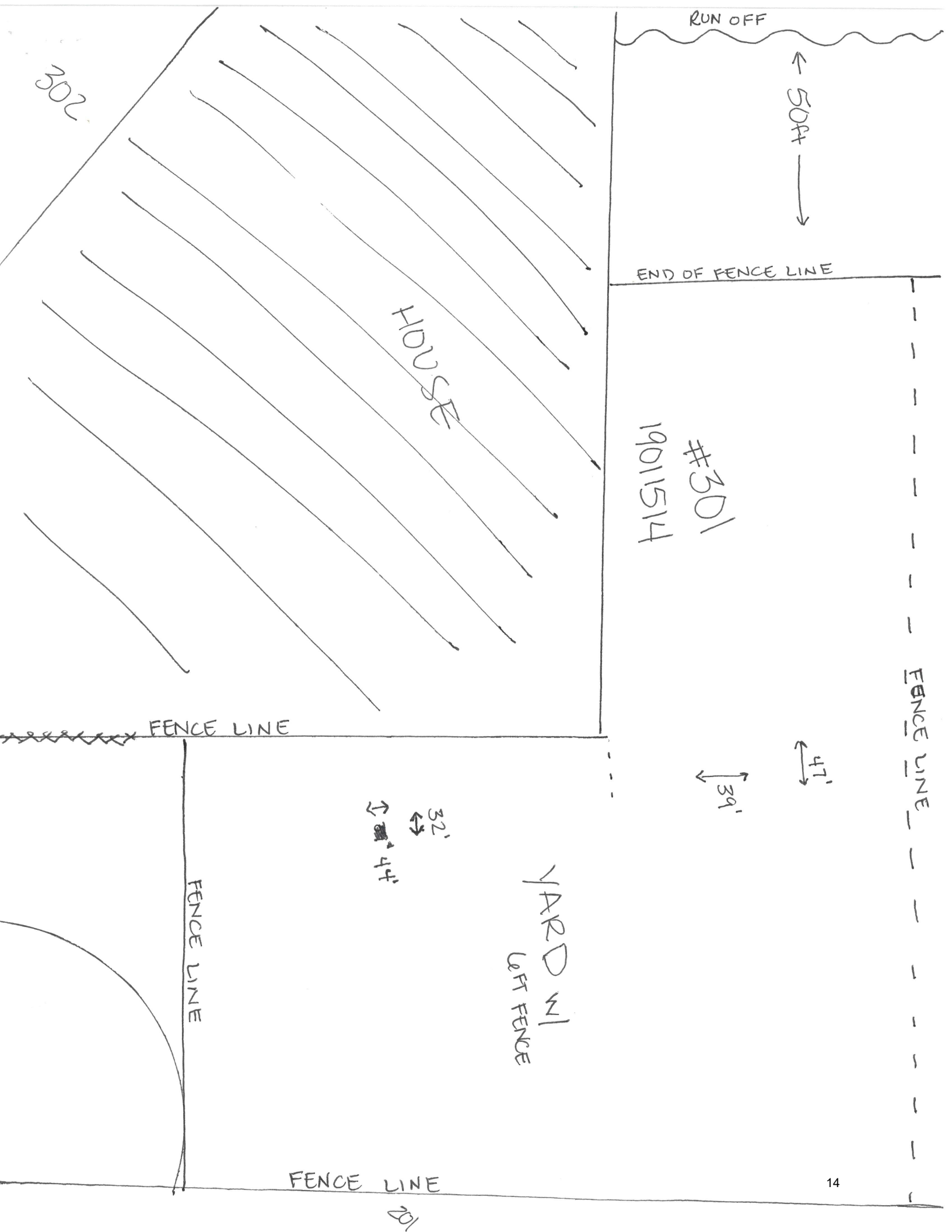
by Thomas Montgomery and Richard Montgomery AKA Richard J. Montgomery by Susan L. Montgomery, his attorney in fact.



Notary Public - State of Oregon

My commission expires: 08-25-19





6-30-2021

Members of the Commission Committee of Lowell,

We (Timothy and Jessi Osborn) of 105 N Alder st. are requesting special use of our land to house and care for a Nigerian dwarf goat of special needs. She has a spinal deformity, stunted growth, and cannot be left to her own devices. At our home she would be indoor/outdoor like a dog. We have an entirely fenced yard with hog panel 6ft high fences. There is a secure kennel within our yard that stands 7 ft, for containment in the event she is not supervised. The fenceline on the west side ends 50' from the runoff under North Shore road. She will also help with blackberry overgrowth from the county road easement onto our property, which is a perpetual intrusion.

We vow to be diligent in her residence as to make sure she is not a disturbance to the neighbors. The neighbors (Ben and Laurie Clark) that we share a fence with on the east side were consulted before submitting our application, and have stated they "are totally fine with that." We share no other fence lines on either side. Our fenced space is appx 3200sf.

We thank you for your time and consideration in this matter.

Regards,
Timothy and Jessi Osborn
105 N Alder St.

HEARLEY Henry O

From: Jessi Osborn <ynmt.jessi@gmail.com>
Sent: July 12, 2021 8:14 PM
To: HEARLEY Henry O
Subject: Re: Conditional Use Permit for Goat in Lowell

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside the organization. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Henry! I have provided responses within the text below.

(a) **Decision Criteria.** Conditional uses listed in this Code may be permitted, altered, or enlarged upon authorization of the Planning Commission in accordance with the following findings:

(1) That the proposed development can comply with the Zoning District standards with Conditions of Approval. Yes

(2) That the proposed development complies with applicable provisions of city codes and ordinances. Yes

(3) That the proposed development will not cause negative impacts to traffic flow or to pedestrian and vehicular safety and future street rights-of-way are protected. n/a

(4) That proposed signs or lighting will not, by size, location or color, interfere with traffic, limit visibility or impact on adjacent properties. N/a

(5) That proposed utility connections are available, have the capacity to serve the proposed development and can be extended in the future to accommodate future growth beyond the proposed land division. N/a

(6) That the proposed development will not cause negative impacts to existing or proposed drainageways including flow disruptions, flooding, contamination or erosion. N/a

(7) That the proposed development will not cause negative impacts, potential hazards or nuisance characteristics as identified in Section 9.204 (u) of the Application Site Plan consistent with the standards of the Zoning District and complies with the applicable standards of all regulatory agencies having jurisdiction.- no negative impact

(a) The raising of pigs and roosters is not permitted within Lowell. The raising of other farm animals in the general field of animal is permitted within the Residential or Industrial Districts under the following conditions:

(1) Fencing must be designed and constructed to confine all animals within the property line. -Fencing is secure

(2) A Setback of 100 feet from any off-site residence is required for all farm animal housing, feeding and watering facilities. Exception: fowl, rabbits and similarly sized animal require no additional setbacks. -there is more than 100'

(3) Proper sanitation shall be maintained in conformance with applicable health standards for all farm animals. Proper sanitation includes:

- A. Not allowing animal waste to accumulate. Agree
- B. Not allowing animal waste to contaminate groundwater or drainageways. Agree
- C. Taking the necessary steps to insure odors resulting from farm animals is not detectable beyond the property line. Agree
- D. Storing all farm animal food in metal or other rodent proof containers. Agree

(4) Minimum area requirements include: ****asking for exception in this area, as she will be indoor/outdoor like a dog, and she's really tiny****

- A. Minimum property area of 3 acres. Exception: fowl, rabbits and similarly sized animal require no additional lot area.
- B. Minimum area per large size animal (Similar to cows or horses) over six months of age – one per every two acres.
- C. Minimum area per medium size animal (Similar to sheep, goats or llamas) over six months of age – one per every one half acre.
- D. No more than 10 fowl, rabbits or similarly sized animals may be maintained on each 20,000 sf of property or portion thereof.

(5) It is the responsibility of the applicant for a Conditional Use Permit to clearly demonstrate that proper health and sanitation standards will be maintained and that potential nuisance factors such as noise, smell and unsightly conditions are mitigated. I promise to be diligent in her residence at our home

(6) Property owners wishing to maintain animals on smaller lots or exceed the maximum number of animals permitted may have those standards modified as a Conditional Use in accordance with Section 9.251." – Your property is under the one-half acre threshold for one animal, hence why you're going through the conditional use process – just FYI.



Thank you and please let us know if you need anything else.

Jessi Osborn

Henry O. Hearley

Associate Planner

Lane Council of Governments

hhearley@lcog.org

541-682-3089

CTIY of LOWELL
NOTICE OF PUBLIC
HEARING
Mailing Date: July 14, 2021

Notice is hereby given for a Public Hearing by the Lowell Planning Commission for a Conditional Use Permit **to allow a special needs goat on a property in the single-family zone that is less than one-half acre in size.** The subject property is located at 105 North Alder Street on Map and Tax Lot 19-01-15-14-00301 in Lowell, Oregon. Under Section 9.722(6) property owners wishing to maintain an animal on a lot smaller than permitted may have those standards modified under the conditional use process. The subject property is 0.22 acres in size.

The applicable approval criteria for granting a conditional use permit are contained in Section 9.251 of the Lowell Development Code.

The hearing for the **Conditional Use Permit** will be held on **Wednesday, August 4, 2021, at 7:00 PM** in front of Planning Commission at the Maggie Osgood Library located at 70 North Pioneer Street. The hearing will be held in person.

Conditional Use Permit:

Owner/Applicant: Timothy and Jessi Osborn
Property Location: 105 N Alder
Assessor Map: 19-01-15-14
Tax Lot: 00301
Existing Area: 0.22 acres
Zoning: R-1 Single-Family Residential

The Lowell Land Use Development Code specifies the applicable procedures and criteria for evaluation of the requested action. Applicable Code Sections include Section 9.251 Conditional Uses and Section 9.722 Agricultural Uses. The specific criteria will be addressed in the Staff Report.

A copy of the Application, all documents and evidence relied upon by the Applicant and the Staff Report containing the applicable criteria will be available for inspection at the Lowell City Hall at least seven days prior to the public hearing meeting.

Failure of an issue to be raised in the Hearing or by letter, or failure to provide sufficient detail to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

A conditional use permit request requires a Public Hearing. Oral testimony may be presented at the Hearing or written testimony may be delivered or mailed to the Lowell City Hall located at 107 East Third Street, PO BOX, 490, Lowell, Oregon 97452 or emailed to the City Administrator jcaudle@ci.lowell.or.us

To be included in the staff report, written testimony shall be received by the City no later than 4:00 pm on July 27, 2021.

For additional information please write to City Hall at the above address or call City Hall at (541) 937-2157 or fax to 541-937-2066.

Henry Hearley
541-682-3089
City Planner
Lane Council of Governments
hhearley@lcog.org

Jeremy Caudle
541-937-2157
City Administrator
City of Lowell
JCaudle@ci.lowell.or.us



SUBJECT PROPERTY

BARNES ROD W
2552 PRIMROSE ST
EUGENE OR 97402

WESTERN EXECUTIVE CONSULTANTS
LLC
38506 PENGRA RD
FALL CREEK OR 97438

REEVES SUSAN R
PO BOX 162
LOWELL OR 97452

DRAKE TASHA MARIE
PO BOX 519
LOWELL OR 97452

GARNER BEAU D & REBECCA N
PO BOX 55
LOWELL OR 97452

CORPS OF ENGINEERS
PO BOX 2946
PORTLAND OR 97208

GEORGE ALBERT & MARY OLIVE WILD
FAM TR
PO BOX 224
LOWELL OR 97452

GILKEY PAMELA
240 MARINA VISTA DR
LOWELL OR 97452

HALL MADONNA L & RICK R
PO BOX 72
LOWELL OR 97452

CLARK LIVING TRUST
PO BOX 223
LOWELL OR 97452

DAIGNEAULT ROBERT G & JOYCE E
PO BOX 94
LOWELL OR 97452

BRADY GARRETT C
84 N ALDER ST
LOWELL OR 97452

OSBORN TIMOTHY M
105 N ALDER ST
LOWELL OR 97452

FLOWER JR ARTHUR L & NORMA
PO BOX 373
LOWELL OR 97452

WALKER RICHARD J & ALLISON A
91331 STALLINGS LN
EUGENE OR 97408

PAXTON THEODORE ALLEN & BERMAN
PAULA KAY
7906 NE MIRIAM WAY
HILLSBORO OR 97006

PIELE KATHRYN
2026 MORNING VIEW DR
EUGENE OR 97405

MONTGOMERY CHAD
3030 CIMARRON PL
EUGENE OR 97405

CLARK MAILELANI
58 N ALDER ST
LOWELL OR 97452

LEWELLEN TIMOTHY DONALD &
SHANTELE P
40 N ALDER ST
LOWELL OR 97452

CITY OF LOWELL
PO BOX 490
LOWELL OR 97452

BRADY GARRETT C
84 N ALDER ST
LOWELL OR 97452

CORPS OF ENGINEERS
PO BOX 2946
PORTLAND OR 97208

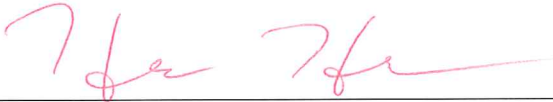
AFFIDAVIT OF MAILING

LANE COUNCIL OF GOVERNMENTS

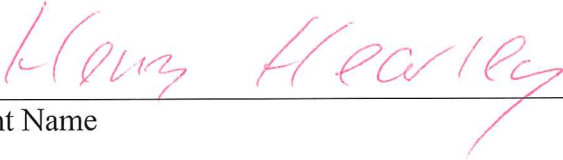
859 Willamette Street. Suite 500

Eugene, OR 97401

I, Henry Hearley, contracted planner, depose and state that I mailed, by regular first-class mail, on JULY 14, 2021, a notice of a public hearing for a CONDITIONAL USE PERMIT at Map and Tax Lot 19-01-15-14-00301 at 10⁵ N. Alder, known as the LU 2021 09 in the City of Lowell to the addresses contained herein.



Signature



Print Name

EXHIBIT C

CTIY of LOWELL
NOTICE OF PUBLIC
HEARING
Mailing Date: July 14, 2021

Notice is hereby given for a Public Hearing by the Lowell Planning Commission for a Conditional Use Permit **to allow a special needs goat on a property in the single-family zone that is less than one-half acre in size.** The subject property is located at 105 North Alder Street on Map and Tax Lot 19-01-15-14-00301 in Lowell, Oregon. Under Section 9.722(6) property owners wishing to maintain an animal on a lot smaller than permitted may have those standards modified under the conditional use process. The subject property is 0.22 acres in size.

The applicable approval criteria for granting a conditional use permit are contained in Section 9.251 of the Lowell Development Code.

The hearing for the **Conditional Use Permit** will be held on **Wednesday, August 4, 2021, at 7:00 PM** in front of Planning Commission at the Maggie Osgood Library located at 70 North Pioneer Street. The hearing will be held in person.

Conditional Use Permit:

Owner/Applicant: Timothy and Jessi Osborn
Property Location: 105 N Alder
Assessor Map: 19-01-15-14
Tax Lot: 00301
Existing Area: 0.22 acres
Zoning: R-1 Single-Family Residential

The Lowell Land Use Development Code specifies the applicable procedures and criteria for evaluation of the requested action. Applicable Code Sections include Section 9.251 Conditional Uses and Section 9.722 Agricultural Uses. The specific criteria will be addressed in the Staff Report.

A copy of the Application, all documents and evidence relied upon by the Applicant and the Staff Report containing the applicable criteria will be available for inspection at the Lowell City Hall at least seven days prior to the public hearing meeting.

Failure of an issue to be raised in the Hearing or by letter, or failure to provide sufficient detail to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

A conditional use permit request requires a Public Hearing. Oral testimony may be presented at the Hearing or written testimony may be delivered or mailed to the Lowell City Hall located at 107 East Third Street, PO BOX, 490, Lowell, Oregon 97452 or emailed to the City Administrator jcaudle@ci.lowell.or.us

To be included in the staff report, written testimony shall be received by the City no later than 4:00 pm on July 27, 2021.

For additional information please write to City Hall at the above address or call City Hall at (541) 937-2157 or fax to 541-937-2066.

Henry Hearley
541-682-3089
City Planner
Lane Council of Governments
hhearley@lcog.org

Jeremy Caudle
541-937-2157
City Administrator
City of Lowell
JCaudle@ci.lowell.or.us



SUBJECT PROPERTY

BARNES ROD W
2552 PRIMROSE ST
EUGENE OR 97402

WESTERN EXECUTIVE CONSULTANTS
LLC
38506 PENGRA RD
FALL CREEK OR 97438

REEVES SUSAN R
PO BOX 162
LOWELL OR 97452

DRAKE TASHA MARIE
PO BOX 519
LOWELL OR 97452

GARNER BEAU D & REBECCA N
PO BOX 55
LOWELL OR 97452

CORPS OF ENGINEERS
PO BOX 2946
PORTLAND OR 97208

GEORGE ALBERT & MARY OLIVE WILD
FAM TR
PO BOX 224
LOWELL OR 97452

GILKEY PAMELA
240 MARINA VISTA DR
LOWELL OR 97452

HALL MADONNA L & RICK R
PO BOX 72
LOWELL OR 97452

CLARK LIVING TRUST
PO BOX 223
LOWELL OR 97452

DAIGNEAULT ROBERT G & JOYCE E
PO BOX 94
LOWELL OR 97452

BRADY GARRETT C
84 N ALDER ST
LOWELL OR 97452

OSBORN TIMOTHY M
105 N ALDER ST
LOWELL OR 97452

FLOWER JR ARTHUR L & NORMA
PO BOX 373
LOWELL OR 97452

WALKER RICHARD J & ALLISON A
91331 STALLINGS LN
EUGENE OR 97408

PAXTON THEODORE ALLEN & BERMAN
PAULA KAY
7906 NE MIRIAM WAY
HILLSBORO OR 97006

PIELE KATHRYN
2026 MORNING VIEW DR
EUGENE OR 97405

MONTGOMERY CHAD
3030 CIMARRON PL
EUGENE OR 97405

CLARK MAILELANI
58 N ALDER ST
LOWELL OR 97452

LEWELLEN TIMOTHY DONALD &
SHANTELE P
40 N ALDER ST
LOWELL OR 97452

CITY OF LOWELL
PO BOX 490
LOWELL OR 97452

BRADY GARRETT C
84 N ALDER ST
LOWELL OR 97452

CORPS OF ENGINEERS
PO BOX 2946
PORTLAND OR 97208

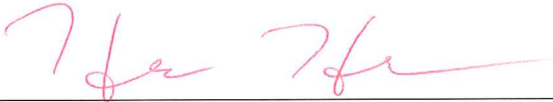
AFFIDAVIT OF MAILING

LANE COUNCIL OF GOVERNMENTS

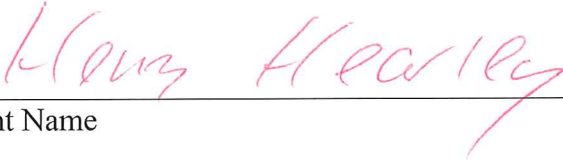
859 Willamette Street. Suite 500

Eugene, OR 97401

I, Henry Hearley, contracted planner, depose and state that I mailed, by regular first-class mail, on JULY 14, 2021, a notice of a public hearing for a CONDITIONAL USE PERMIT at Map and Tax Lot 19-01-15-14-00301 at 10⁵ N. Alder, known as the LU 2021 09 in the City of Lowell to the addresses contained herein.



Signature



Print Name

**FINAL ORDER AND DECISION
OF THE LOWELL PLANNING COMMISSION**

LU 2021 09 Conditional Use Permit to allow one special needs goat on a property smaller than one-half acre in size for 105 North Alder Street on Map and Tax Lot 19-01-15-14-00301.

A. The Lowell Planning Commission finds the following:

1. The Lowell Planning Commission has reviewed all materials relevant to the Conditional Use Permit Application (**FILE NO. LU 2021 09**) that has been submitted by the applicant and staff regarding this matter for Assessors Map 19-01-15-14 TL 00301, including the criteria, findings and conclusions within the Final Order and referenced staff report.
2. On **August 4, 2021**, the Lowell Planning Commission reviewed LU 2021 09 after giving the required notice as per the Lowell Development Code and held a public hearing that was open to the public.
3. At the **August 4, 2021**, public hearing, the Lowell Planning Commission made a motion to **approve the application subject to the findings, conclusions and conditions as contained and presented in the Staff Report, presented to the Planning Commission on August 4, 2021.**
4. This approval is subject to a 15-day appeal period. The appeal must be submitted within 15-days of the notice of decision being mailed out.

Signed this _____ day of **August 2021**

Date Mailed: _____

Mr. Lon Dragt, Chair, Lowell Planning Commission

JUN 30 REC'D

JO

Land Use Permit Application

<input checked="" type="checkbox"/> Site Plan Review	<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Partition	<input type="checkbox"/> Subdivision
<input checked="" type="checkbox"/> Conditional Use	<input type="checkbox"/> Variance	<input type="checkbox"/> Map Amendment	<input type="checkbox"/> Text Amendment
<input type="checkbox"/> Annexation	<input type="checkbox"/> Vacation	<input type="checkbox"/> Other, specify _____	

Please complete the following application. If any pertinent required information or material is missing or incomplete, the application will not be considered complete for further processing. If you have any questions about filling out this application, please contact staff at Lowell City Hall, phone (541) 937-2157, 107 East Third, Lowell.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Map# 1901151400301 Lot # 301

Map# _____ Lot # _____

Map# _____ Lot # _____

Street Address (if applicable): 105 N. ALDER ST

Area of Request (square feet/acres): 3200 sqft fenced yard

Existing Zoning: R-1

Existing Use of the Property: _____

Proposed Use of the Property 1 SPECIAL NEEDS DWARF GOAT W/ SPINAL DEFORMITY TO LIVE INDOOR OUTDOOR
RELIEVE SPECIAL CARE.

Pre-application Conference Held: No _____ Yes _____ If so, Date _____

Submittal Requirements:

1. Copy of deed showing ownership or purchase contract with property legal description.
2. Site Plan/Tentative Plan with, as a minimum, all required information. Submit one copy of all plans 11x17 or smaller; 12 copies of all plans larger than 11x17. (See attached checklist for required information)
3. Applicant's Statement: Explain the request in as much detail as possible. Provide all information that will help the decision makers evaluate the application, including addressing each of the decision criteria for the requested land use action.
- _____ 4. Other submittals required by the City or provided by the applicant. Please List.

a. _____	b. _____
c. _____	d. _____
e. _____	f. _____
- _____ 5. Filing Fee: Amount Due: _____.

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that incomplete applications may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge. I (We) also acknowledge that if the total cost to the City to process this application exceeds 125% of the application fee, we will be required to reimburse the City for those additional costs in accordance with Ordinance 228.

PROPERTY OWNER

Name (print): TIMOTHY M OSBORN Phone: (541) 852-7789

Address: 105 N ALDERST ~~LOWELL~~

City/State/Zip: LOWELL, OR 97452

Signature: 


APPLICANT, if Different

Name (print): JESSICA J OSBORN Phone: (760) 547-6674

Company/Organization: _____

Address: 105 N ALDER

City/State/Zip: _____

Signature: 

E-mail (if applicable): YNMT.JESSI@gmail.com

APPLICANTS REPRESENTATIVE, if applicable

Name (print): _____ Phone: _____

Company/Organization: _____

Address: _____

City/State/Zip: _____

E-mail (if applicable): _____

For City Use. Application Number _____

Date Submitted: 6-30-21 Received by: JO Fee Receipt # _____

Date Application Complete: _____ Reviewed by: _____

Date of Hearing: _____ Date of Decision _____ Date of Notice of Decision _____

APPLICATION SITE PLAN REQUIREMENTS CHECKLIST
Lowell Land Development Code, Section 2.140

Applications for land divisions or land use requests that require a site plan shall submit the site plan on 8 1/2 x 11 inch or 11 x 17 inch black/white reproducible sheets for copying and distribution. Larger drawings may be required for presentation and City review. Drawings shall be drawn to scale. The scale to be used shall be in any multiple of 1 inch equals 10 feet (1" = 20', 1" = 30', 1" = 100', etc.) and may be increased or decreased as necessary to fit the sheet size. The Application and site plan shall show clearly and with full dimensioning the following information, as applicable, for all existing and proposed development. It is understood that some of the requested information may not apply to every application.

- _____ The names of the owner(s) and applicant, if different.
- _____ The property address or geographic location and the Assessor Map number and Tax Lot number.
- _____ The date, scale and northpoint.
- _____ A vicinity map showing properties within the notification area and roads. An Assessor Map, with all adjacent properties, is adequate.
- _____ Lot dimensions.
- _____ The location, size, height and uses for all existing and proposed buildings.
- _____ Yards, open space and landscaping.
- _____ Walls and fences: location, height and materials.
- _____ Off-street parking: location, number of spaces, dimensions of parking area and internal circulation patterns.
- _____ Access: pedestrian, vehicular, service, points of ingress and egress.
- _____ Signs: location, size, height and means of illumination.
- _____ Loading: location, dimension, number of spaces, internal circulation.
- _____ Lighting: location and general nature, hooding devices.
- _____ Street dedication and improvements.
- _____ Special site features including existing and proposed grades and trees, and plantings to be preserved and removed.

- _____ Water systems, drainage systems, sewage disposal systems and utilities.
 - _____ Drainage ways, water courses, flood plain and wetlands.
 - _____ The number of people that will occupy the site including family members, employees or customers.
 - _____ The number of generated trips per day from each mode of travel by type: employees, customers, shipping, receiving, etc.
 - _____ Time of operation, where appropriate. Including hours of operation, days of the week and number of work shifts.
 - _____ Specifications of the type and extent of emissions, potential hazards or nuisance characteristics generated by the proposed use. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. Misrepresentation or omission of required data shall be grounds for denial or termination of a Certificate of Occupancy.
- Uses which possess nuisance characteristics or those potentially detrimental to the public health, safety and general welfare of the community including, but not limited to; noise, water quality, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference, may require additional safeguards or conditions of use as required by the Planning Commission or City Council.
- All uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and any other public agency having appropriate regulatory jurisdiction. City approval of a land use application shall be conditional upon evidence being submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies.
- _____ Such other data as may be necessary to permit the deciding authority to make the required findings.

NOTE: Additional information may be required after further review in order to adequately address the required criteria of approval.

Lane County Clerk
Lane County Deeds & Records

2016-025530

06/06/2016 10:33:43 AM

RPR-DEED Cnt=1 Stn=6 CASHIER 05 2pages
\$10.00 \$11.00 \$10.00 \$21.00

\$52.00

RECORDING REQUESTED BY:
Fidelity National Title Company of Oregon

GRANTOR:
Thomas Montgomery and Richard Montgomery
2750 Villa Way
Springfield, OR 97477

GRANTEE:
Timothy M. Osborn

SEND TAX STATEMENTS TO:
Timothy M. Osborn
105 N Alder Street
Lowell, OR 97452

AFTER RECORDING RETURN TO:
Timothy M. Osborn
105 N Alder Street
Lowell, OR 97452

Escrow No: 4616038366-FTEUG03

0817054
105 N Alder Street Lowell, OR 97452

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Thomas Montgomery and Richard Montgomery, Grantor, conveys and warrants to

TMO
Timothy M. Osborn, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Lane, State of Oregon:

Lot 6, LAKE SHORE SUBDIVISION, as platted and recorded in Book 20, Page 20, Lane County Oregon Plat Records, in Lane County, Oregon.

ALSO the West 1/2 of that certain 15 foot pedestrian walkway lying between Lots 6 and 7 of said LAKE SHORE SUBDIVISION, as vacated by Ordinance No. 2, recorded March 12, 1957 in Reel 96, Reception No. 7968, Official Records of Lane County.

ALSO the East 1/2 of that certain 15 foot pedestrian walkway lying between Lots 6 and 7 of said LAKE SHORE SUBDIVISION, as conveyed by Deed recorded April 23, 1957, Reception No. 11269, Official Records of Lane County.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$180,000.00. (See ORS 93.030)

Subject to and excepting:

Current taxes, assessments, reservations in patents, and all agreements, easements, right-of-way, encumbrances, liens, setback lines, reservations, powers of special districts, covenants, conditions and restrictions as may appear of record.

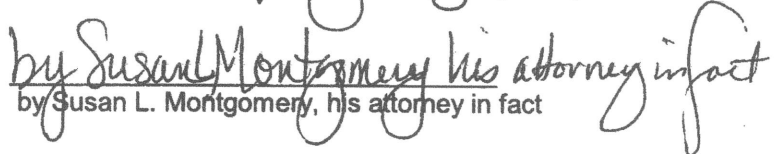
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.308 AND SECTIONS 5 TO 11, CHAPTER 404, OREGON LAWS 2007, SECTIONS 2

APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: June 2, 2016


Thomas Montgomery


Richard Montgomery, AKA Richard J. Montgomery,

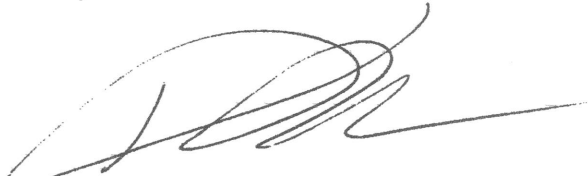
by  his attorney in fact
by Susan L. Montgomery, his attorney in fact

State of OREGON

COUNTY of Lane

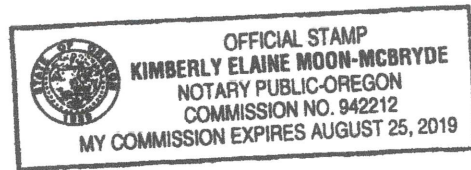
This instrument was acknowledged before me on June 2, 2016

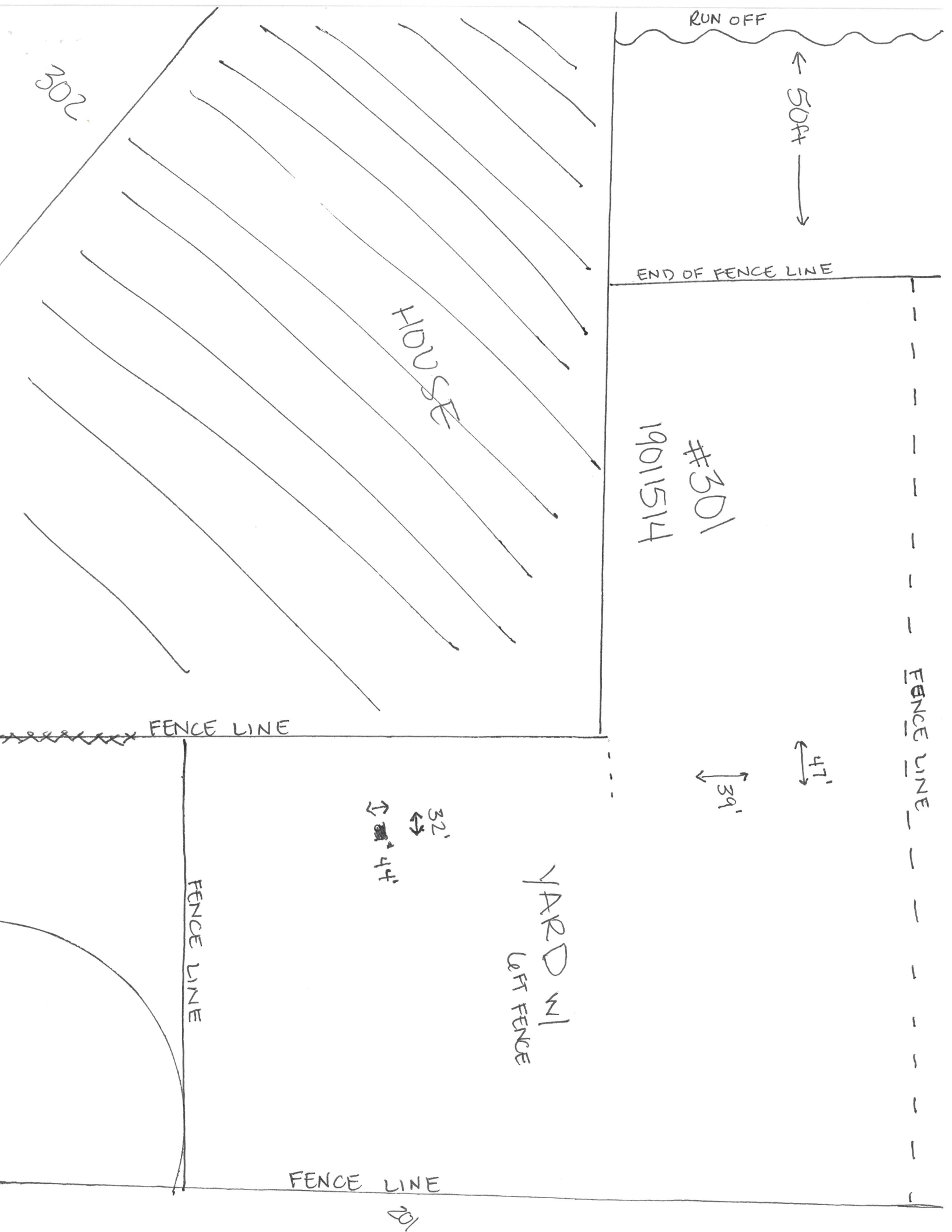
by Thomas Montgomery and Richard Montgomery AKA Richard J. Montgomery by Susan L. Montgomery, his attorney in fact.



Notary Public - State of Oregon

My commission expires: 08-25-19





302

RUN OFF

← 50ft →

END OF FENCE LINE

HOUSE

#301
1901514

FENCE LINE

FENCE LINE

↓ 39'

← 41'

YARD w/
LEFT FENCE

FENCE LINE

↔ 32'
↔ 44'

FENCE LINE

201

6-30-2021

Members of the Commission Committee of Lowell,

We (Timothy and Jessi Osborn) of 105 N Alder st. are requesting special use of our land to house and care for a Nigerian dwarf goat of special needs. She has a spinal deformity, stunted growth, and cannot be left to her own devices. At our home she would be indoor/outdoor like a dog. We have an entirely fenced yard with hog panel 6ft high fences. There is a secure kennel within our yard that stands 7 ft, for containment in the event she is not supervised. The fenceline on the west side ends 50' from the runoff under North Shore road. She will also help with blackberry overgrowth from the county road easement onto our property, which is a perpetual intrusion.

We vow to be diligent in her residence as to make sure she is not a disturbance to the neighbors. The neighbors (Ben and Laurie Clark) that we share a fence with on the east side were consulted before submitting our application, and have stated they "are totally fine with that." We share no other fence lines on either side. Our fenced space is appx 3200sf.

We thank you for your time and consideration in this matter.

Regards,
Timothy and Jessi Osborn
105 N Alder St.

EXHIBIT B

HEARLEY Henry O

From: Jessi Osborn <ynmt.jessi@gmail.com>
Sent: July 12, 2021 8:14 PM
To: HEARLEY Henry O
Subject: Re: Conditional Use Permit for Goat in Lowell

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside the organization. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Henry! I have provided responses within the text below.

- (a) **Decision Criteria.** Conditional uses listed in this Code may be permitted, altered, or enlarged upon authorization of the Planning Commission in accordance with the following findings:

(1) That the proposed development can comply with the Zoning District standards with Conditions of Approval. Yes

(2) That the proposed development complies with applicable provisions of city codes and ordinances. Yes

(3) That the proposed development will not cause negative impacts to traffic flow or to pedestrian and vehicular safety and future street rights-of-way are protected. n/a

(4) That proposed signs or lighting will not, by size, location or color, interfere with traffic, limit visibility or impact on adjacent properties. N/a

(5) That proposed utility connections are available, have the capacity to serve the proposed development and can be extended in the future to accommodate future growth beyond the proposed land division. N/a

(6) That the proposed development will not cause negative impacts to existing or proposed drainageways including flow disruptions, flooding, contamination or erosion. N/a

(7) That the proposed development will not cause negative impacts, potential hazards or nuisance characteristics as identified in Section 9.204 (u) of the Application Site Plan consistent with the standards of the Zoning District and complies with the applicable standards of all regulatory agencies having jurisdiction.- no negative impact

(a) The raising of pigs and roosters is not permitted within Lowell. The raising of other farm animals in the general field of animal is permitted within the Residential or Industrial Districts under the following conditions:

(1) Fencing must be designed and constructed to confine all animals within the property line. -Fencing is secure

(2) A Setback of 100 feet from any off-site residence is required for all farm animal housing, feeding and watering facilities. Exception: fowl, rabbits and similarly sized animal require no additional setbacks. -there is more than 100'

(3) Proper sanitation shall be maintained in conformance with applicable health standards for all farm animals. Proper sanitation includes:

- A. Not allowing animal waste to accumulate. Agree
- B. Not allowing animal waste to contaminate groundwater or drainageways. Agree
- C. Taking the necessary steps to insure odors resulting from farm animals is not detectable beyond the property line. Agree
- D. Storing all farm animal food in metal or other rodent proof containers. Agree

(4) Minimum area requirements include: ****asking for exception in this area, as she will be indoor/outdoor like a dog, and she's really tiny****

- A. Minimum property area of 3 acres. Exception: fowl, rabbits and similarly sized animal require no additional lot area.
- B. Minimum area per large size animal (Similar to cows or horses) over six months of age – one per every two acres.
- C. Minimum area per medium size animal (Similar to sheep, goats or llamas) over six months of age – one per every one half acre.
- D. No more than 10 fowl, rabbits or similarly sized animals may be maintained on each 20,000 sf of property or portion thereof.

(5) It is the responsibility of the applicant for a Conditional Use Permit to clearly demonstrate that proper health and sanitation standards will be maintained and that potential nuisance factors such as noise, smell and unsightly conditions are mitigated. I promise to be diligent in her residence at our home

(6) Property owners wishing to maintain animals on smaller lots or exceed the maximum number of animals permitted may have those standards modified as a Conditional Use in accordance with Section 9.251." – Your property is under the one-half acre threshold for one animal, hence why you're going through the conditional use process – just FYI.



Thank you and please let us know if you need anything else.

Jessi Osborn

Henry O. Hearley

Associate Planner

Lane Council of Governments

hhearley@lcog.org

541-682-3089

RECEIVED

JUL 26 REC'D

JD

7/22/2021

Regarding the conditional use
use permit request submitted by applicants
at 105 N. Alder St., Lowell, Oregon in their
defense.

I would like to share a little info.
about the Nigerian Dwarf goat. They are
17" to 19" and could weigh up to 50 pounds.

The said goat was born with a birth
defect. She has a spinal defect + a hip
defect. She is 1 of three born, and is half
the size of the other two.

I have worked with goats for about
10 yrs. They are wonderful animals, and
good at removing brush.

She can not be put out in a pasture
to look out for herself.

There is no one else I can think of
who would be the best for this little
girl (Tink).

When she grows up, if she grows up.
She can help keeping brush down.

She will never be bred, because of
her birth defect.

Tim, Jessi + Tink all would benefit
all around living together.

Joyce Daigneault
106 N. ALDER ST.
541-937-3055

She will BE NO PROBLEM at all