

City of Lowell, Oregon
Minutes of the Planning Commission Meeting
September 4, 2019

The meeting was called to order at 7:07 PM by Commissioner Chair Dragt.

Members Present: Lon Dragt, John Myers, Mary Wallace

Approval of Planning Commission Minutes: Commissioner Myers moved to approve minutes from Aug. 26, 2019, second by Commissioner Wallace. PASS 3:0

Old Business: None

New Business:

- a. **Interpretation of Lowell Land Development Code, Section 9.408 Non-Conforming Uses**

Close Public Meeting: 7:09 PM

Open Public Hearing: 7:09 PM

Interpretation of Lowell Land Development Code, Section 9.408 Non-Conforming Uses

- **Staff Report** – Henry Hearley Assistant Planner for Lane Council of Governments, presented report on property located at 205 East Main Street who specifically requested interpretation to the question whether the expansion of the footprint of a residential dwelling in the C-1 zone is considered an “alteration” or “extension,” and thus allowed under Section 9.408(a)(3). Conclusion: Section 9.408(a)(1) sets forth the general rule that nonconforming uses can be continued as-is notwithstanding new zoning regulations that should not be expanded, increased, or changed in such a way that increases the nonconformity. That said the code carves out a very specific exception for nonconforming dwellings in commercial zones. This specific exception overrides that general rule precluding expansion of a nonconforming use. See Section 9.105(a), cited above. For the reasons explained above, the term “extension” in Section 9.408(a)(3) includes the ability to increase the footprint of a conforming dwelling in the C-1 zone, so long as the new footprint does not violate yard, lot coverage, and building height requirements in the nearest adjacent Residential district.
- **Applicant Comments** – None
- **Public Comments** – None

Public Hearing Closed: 7:17 PM

Reconvene Public Meeting: 7:17 PM


- **Commission Deliberation** - None
- **Commission Decision** – Commissioner Meyers moved that the Planning Commission approve the interpretation as stated in the staff report, second by Commissioner Wallace. PASS 3:0

Other Business: None

Adjourn: 7:21 PM

Approved: 
Lon Dragt - Chair

Date: 11/12/19

Attest: 
Jared Cobb, City Recorder

Date: 11/12/19