

AGENDA
PLANNING COMMISSION MEETING
WEDNESDAY, FEBRUARY 6, 2019 – 7:00 PM
Lowell City Hall, 107 East 3rd Street, Lowell, Oregon

- 1. CALL TO ORDER/ROLL CALL**
- 2. ADMINISTER OATH OF OFFICE**
- 3. APPROVAL OF AGENDA**
- 4. SELECTION OF PLANNING COMMISSION CHAIR AND VICE-CHAIR**
- 5. APPROVAL OF MINUTES**
 - a. October 3, 2018
- 6. OLD BUSINESS**
- 7. NEW BUSINESS**
 - a. Land Use File 2018-05 – Conditional Use Permit for 551 N. Moss St.
 - Public Hearing
 - Commission Deliberation
 - Commission Decision
- 8. OTHER BUSINESS**
- 9. 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
October 3, 2018**

The meeting was called to order at 7:00 PM by Commissioner Chair Bjornstad.

Members Present: Jerry Bjornstad, Don Swain, Stacie Harris, Mary Wallace. Lon Dragt

Approval of Agenda: Commissioner Dragt moved to the change the agenda, having New Business prior to Old Business, second by Commissioner Harris. PASS 5:0

Approval of Planning Commission Minutes: Commissioner Swain moved to approve minutes from August 1, 2018, second by Commissioner Dragt. PASS 4:0; 1 Abstention – Commissioner Bjornstad.

New Business:

- a. **Land Use File 2018-03 – Variance for Fence Height at 572 E 1st Street & 573 Sunridge Lane**

Close Public Meeting: 7:02 PM

Public Hearing Open: 7:02 PM

- **Staff Report** – Henry O. Hearley, Assistant Planner for Lane Council of Governments, presented report and recommends Planning Commission approve a fence variance 8 ft at the highest point comprising of wire grid fence.
- **Applicants Presentation** – Julie Redner stated she wanted to make it visually appealing and had nothing further to add.

Public Hearing Closed: 7:10 PM

Reconvene Public Meeting: 7:10 PM

- **Commission Deliberation** - Commissioner Swain voiced support.
- **Commission Decision** – Commissioner Dragt move to approve this application for development permit based on the standards, findings, conclusions and recommendations stated in the staff report, second by Commissioner Wallace. PASS 5:0

Old Business:

- **Discussion of Accessory Dwelling Units** - CA presented Ordinance 297 for discussion and revision. Adding Section 9:707, Accessory Dwelling Units, the purpose to allow the establishment of an accessory dwelling unit in conjunction with a single-family dwelling in any zone that allows residential uses.

Other Business: None

Adjourn: 8:17 PM

Approved: _____
Jerry Bjornstad - Chair

Date: _____

Attest: _____
Jared Cobb, City Recorder

Date: _____

DRAFT

Staff Report
Conditional Use Permit
551 North Moss Street
LU 2018-05 Staff Report Date: February 6, 2019

1. **Proposal.** The Planning Commission is being asked to review and render a decision on a conditional use permit request to allow two goats on a property less than three acres in area as indicated in Lowell Development Code (LDC) Section 9.722. The subject property is a two acre single-family zoned residential lot located at 551 North Moss Street, Lowell, OR, 97452 on Assessor's Map and Taxlot 19-01-11-13-30.
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 2018-05) was sent to surrounding property owners within a 300-foot buffer of the subject property on January 8, 2019. 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 area for raising goats and other similar animals is three acres in the R-1 zone. In the applicant's case, the subject property is only two 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." 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 condition use permit to raise two 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 two goats on a property below the minimum lot 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: On the subject property there is a driveway with an access easement that goes through the subject property back towards the neighbor's property. The access easement cuts through the two fenced-in goat areas where the goats are contained. With the goats contained in their respective fenced-in areas and an access easement through the subject property, 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: Conditioned upon testimony to the contrary, the granting of the proposed conditional use permit 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. 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 two goats on the subject property is not expected to have negative impacts to existing or proposed drainage ways. The reason the applicant is requesting to have two goats on the subject property is to help with keeping grass, and bush level down which in turn can help mitigate fire danger in the dry summer months.

Recommended FINDING for approval: Conditioned upon testimony to the contrary, 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. 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: The applicant states the subject property contains two goat areas, both of which are fenced-in. The fence, at present, is four feet high secured with metal T-posts and 3 ½ inch round wooden posts with an electric fence on the inside. The fenced-in areas do not interfere with the access easement for access to the property located behind the subject property.

Recommended FINDING for approval: The subject property contains two goat areas that are adequately fenced. Criterion met.

(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 two goats on the subject property meet 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.***

Discussion: The applicant utilizes a compost pile to keep animal waste at a minimum, and also uses a private off-property location to dispose of animal waste when waste exceeds gardening

needs. The applicant stores animal food in a plastic tote with a snap on lid. Taking into consideration the size of the subject property, albeit, below the minimum required by one-acre, the animal waste plan and the location of the areas maintained for the goats, odors are not expected extend beyond the property line, nor is animal waste expected to contaminate groundwater or drainage ways.

Recommended FINDING for approval: The applicant has provided materials that address applicable health and sanitation standards for farm animals. Criterion met.

(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 two acres in size; this does not meet the minimum property area of three acres required for farm animals. 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 two goats 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 two goats 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 the following proposed condition of approval:

Condition of Approval 2: The applicant shall maintain proper health and sanitation standards to maintain two goats on the subject property. 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.

(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: Live stock sale yards, slaughter houses, or animal by-product businesses are prohibited as part of or in conjunction with the raising activities of two goats 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. Recommendation

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

8. Attachments

Attachment A: Applicant's application

Attachment B: Supplemental materials submitted by applicant

Attachment C: Notice

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# 19011330 Lot # 7202

Map# _____ Lot # _____

Map# _____ Lot # _____

Street Address (if applicable): 551 N Moss St.

Area of Request (square feet/acres): 2 acres

Existing Zoning: R-1 Residential

Existing Use of the Property: R-1 Residential

Proposed Use of the Property _____

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: \$292.00

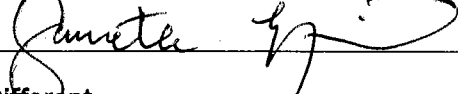
By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that incomplete applications may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application 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): Samantha Elkins Phone: 541-556-6591

Address: 551 N Moss St

City/State/Zip: Lowell OR 97452

Signature: 

APPLICANT, if Different

Name (print): _____ Phone: _____

Company/Organization: _____

Address: _____

City/State/Zip: _____

Signature: _____

E-mail (if applicable): _____

APPLICANTS REPRESENTATIVE, if applicable

Name (print): _____ Phone: _____

Company/Organization: _____

Address: _____

City/State/Zip: _____

E-mail (if applicable): _____

For City Use.

Application Number LD 2018-04

Date Submitted: 12/11/18 Received by: Joyce Darnell Fee Receipt # 12/11/18

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.

To whom it may concern,

In March of 2018 my boyfriend and I purchased 551 N. Moss a 2 acre lot. We figured out real quick that 2 acres of grass was going to be a battle. After countless hours of pushing a mower and guiding a weed eater threw the field of overly tall grass we knew we couldn't keep up.

After ruining one riding lawn mower we were beat, we needed help!

So we got 2 goats and fell in love with them. They not only keep the grass down they are entertaining and lovable pets. We care for them as if they were our kids.

We built a sturdy fence and check around it weekly to make sure they are safe. We not only don't want them to get hurt but also don't want them to wander into a neighbors yard.

Their food is stored in a plastic tote with a snap on lid. We also have 2 fenced in areas separated by the driveway easement. The Southwest side of the property and the Northwest

side both which are more than 100 feet away from off site residences.

We also have a small compost pile for our all natural garden. to keep animal waste down. And an off property location when it exceeds our gardening needs.

We both work very hard and take pride in what we have and do. We care very much for our pets and Home!

Thank you for your time.

Sincerely,

Samantha Elkins

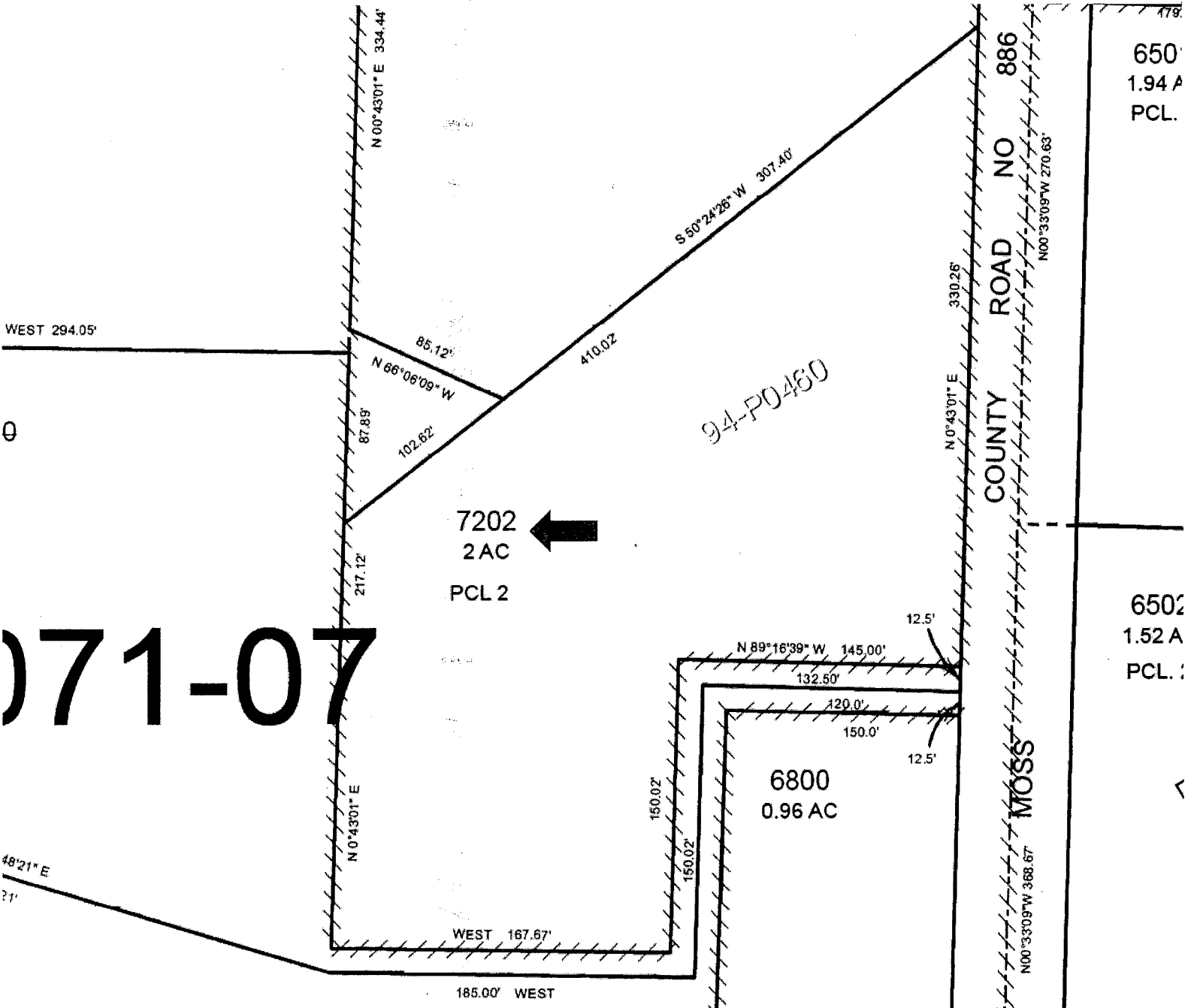
551 N. Moss.



First American Title



2892 Crescent Ave, Eugene OR 97408
Phone: 541.484.2900 Fax: 877.783.9167
e-Mail: cs.eugene.or@firstam.com Web: FirstAmLane.com



COMPLIMENTS OF FIRST AMERICAN TITLE LANE COUNTY OREGON.
THIS MAP IS NOT A SURVEY. THEREFORE, WE ASSUME NO LIABILITY FOR INACURACIES.



After recording return to:
Samantha Elkins
551 N Moss Street
Lowell, OR 97452

Until a change is requested all tax
statements shall be sent to the
following address:
Samantha Elkins
551 N Moss Street
Lowell, OR 97452

File No.: 7191-3005393 (TS)
Date: February 16, 2018

THIS SPACE RESERVED FOR RECORDER'S USE

Lane County Clerk Lane County Deeds & Records	2018-013075 03/21/2018 03:49:03 PM
RPR-DEED Cnt=1 Stn=41 CASHIER 04 2pages \$10.00 \$11.00 \$10.00 \$21.00	\$52.00

STATUTORY WARRANTY DEED

Gregory A. Fanning, Grantor, conveys and warrants to **Samantha Elkins**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Lane, State of Oregon, described as follows:

PARCEL 2 OF PARTITION PLAT NO. 94-P0460 FILED ON FEBRUARY 14, 1994, LANE COUNTY OREGON OFFICIAL RECORDS, IN LANE COUNTY, OREGON.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$225,000.00**. (Here comply with requirements of ORS 93.030)



After recording return to:
Samantha Elkins
551 N Moss Street
Lowell, OR 97452

Until a change is requested all tax
statements shall be sent to the
following address:
Samantha Elkins
551 N Moss Street
Lowell, OR 97452

File No.: 7191-3005393 (TS)
Date: February 16, 2018

THIS SPACE RESERVED FOR RECORDER'S USE

RECORDED ELECTRONICALLY

STATUTORY WARRANTY DEED

Gregory A. Fanning, Grantor, conveys and warrants to **Samantha Elkins**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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PARCEL 2 OF PARTITION PLAT NO. 94-P0460 FILED ON FEBRUARY 14, 1994, LANE COUNTY OREGON OFFICIAL RECORDS, IN LANE COUNTY, OREGON.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$225,000.00**. (Here comply with requirements of ORS 93.030)


APN: 1526761

Statutory Warranty Deed
- continued

File No.: 7191-3005393 (TS)

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 195.336 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. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE 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.

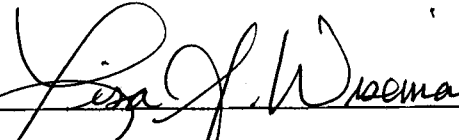
Dated this 17 day of March, 2018.



Gregory A. Fanning

STATE OF Tennessee)
) ss.
County of Anderson)

This instrument was acknowledged before me on this 17 day of March, 2018
by **Gregory A. Fanning**.



Notary Public for
My commission expires: 4-28-18



From: [Samantha Elkins](#)
To: [HEARLEY Henry O](#)
Subject: RE: Lowell Code for Goats - Conditional Use Permit
Date: Monday, December 24, 2018 3:48:42 PM

Hello Henry thank you for explaining that for me I appreciate it very much. I hope this is a better explanation of the decision criteria that your looking for.

To whom it may concern,

In the residential zone you can have one goat per half acre. I'm proposing to have two goats on my two acre lot.

For the city codes and ordinance we have followed them by providing a sturdy fence that allows for the driveway easement to our neighbors and the fence is set back 100 feet from our neighboring houses. We also have a compost pile for our garden to keep the area clean from their waste. We keep their food in a secure plastic bin. Having two goats will be a positive impact by keeping the grass and brush low which helps with fire danger in the dry months. They are taken very good care of and will not be a nuisance or put a negative impact on our home, neighbors, or the city. Thank you for your time.

Samantha Elkins
551 N Moss St
Lowell, Or 97452

On Tuesday, December 18, 2018 HEARLEY Henry O <HHEARLEY@Lcog.org> wrote:

Thanks for coming in, Sam. Attached are general conditions for animals within the Residential zone (this is the zone where you live).

Like I said, I was able to pull out the standards from your letter. In addition to the decision criteria for a conditional use permit, Planning Commission will also look at these standards because they relate to animals within a residential zone.

Let me know if you have any further questions or concerns.

Henry O. Hearley
GIS & Planning
Lane Council of Governments
541-682-3089

From: [Samantha Elkins](#)
To: [HEARLEY Henry O](#)
Subject: RE: description of fence
Date: Saturday, January 19, 2019 11:06:18 AM

Hello Henry,

Our fence is a 4 foot tall wire field fence for goats held up with metal T-post and 3 1/2 inch round wood posts With an electric fence inside of it.

Thank you!
Samantha Elkins

On Friday, January 18, 2019 HEARLEY Henry O <HHEARLEY@Lcog.org> wrote:

Hi Sam,

Could you provide a little description of the fence surrounding your property and containing the goats? (materials it's made of, etc.)

Thanks,
Henry O HEARLEY

Henry O. Hearley
GIS & Planning
Lane Council of Governments
541-682-3089

ATTACHMENT C
CITY of LOWELL
NOTICE OF PUBLIC
HEARING
Mailing Date 01/08/2019

Notice is hereby given for a Public Hearing by the Lowell Planning Commission for a conditional use permit to allow two goats on a property less than 3 acres in area as indicated in Lowell Development Code (LDC) Section 9.722 for a 2-acre single-family zoned residential lot on the property located at 551 North Moss Street, Lowell, OR, 97452

The Hearing will occur on **February 6, 2019 at 7:00 pm** in the Lowell City Hall located at 107 East Third Street.

Requested Action: Property owner wishing to maintain animals (two goats) on a lot smaller than the minimum required. See reverse for map of subject property.

Owner/Applicant: Samantha Elkins
Property Location: 551 North Moss Street
Assessor Map: 19-01-11-13-30
Tax Lot: 7202
Existing Area: 2 acres
Existing Zone: 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 9.251 Conditional Uses, 9.304 Notification, 9.306 Quasi-Judicial Public Hearings, and 9.722 Agricultural Use Standards.

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.

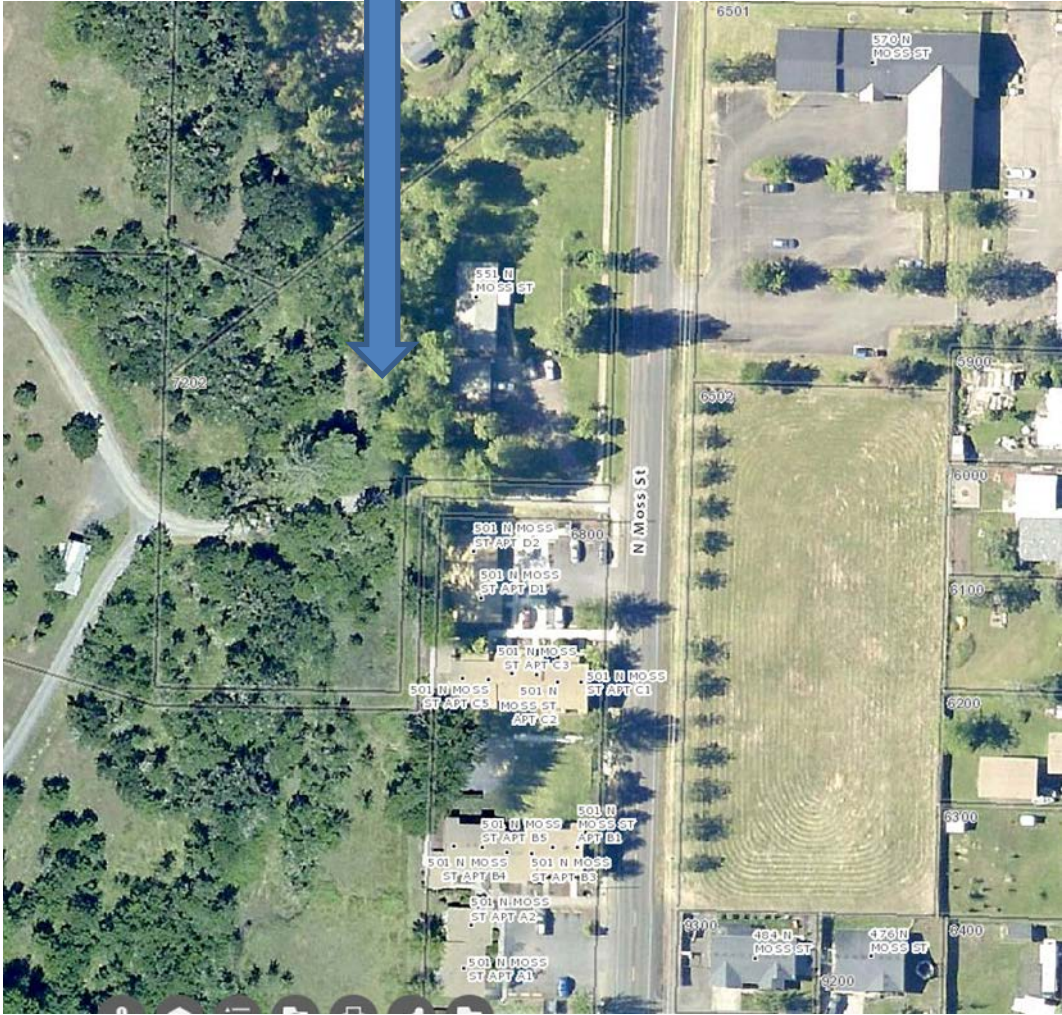
A conditional use permit request requires a Public Hearing. Oral testimony may be presented at the Hearing or written testimony may be delivered or mailed to the Lowell City Hall located at 107 East Third Street, Lowell, Oregon 97452 or emailed to Henry Hearley, City Planner, at hhearley@lcog.org.

Written Testimony shall be received by the City no later than 4:00 pm on February 6, 2019.

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

Subject Property



**DECISION OF THE PLANNING COMMISSION
OF THE CITY OF LOWELL**

CONDITIONAL USE PERMIT – File # LU 2018-05

APPLICANT: Samantha Elkins
551 North Moss Street
Lowell, OR, 97452

PROPOSAL: Maintain two goats on a property zoned R-1 that does not meet the minimum area of property required.

A. The Planning Commission finds the following:

1. The applicant has submitted information as required by Land Development Code (LDC) 9.251. The approval criteria outlined in the LDC 9.251 Conditional Uses, and LDC 9.722 Agricultural Use Standards have been met, and therefore the application is APPROVED.

B. Conformance with Submission and Approval Criteria

SECTION 9.251 CONDITIONAL USE DECISION CRITERIA

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

FINDING: The conditions of approval identified in this condition use permit to raise two 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.

FINDING: The approval of a conditional use permit for the raising of two goats on a property below the minimum lot 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.

FINDING: Conditioned upon testimony to the contrary, the granting of the proposed conditional use permit 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.

FINDING: 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.

FINDING: The proposed use that requires a conditional use permit is not a development and does not involve any utilities. 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.

FINDING: Conditioned upon testimony to the contrary, 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. 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.

FINDING: 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) 1. 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.

SECTION 9.722 AGRICULTURAL USE STANDARDS (C)

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

FINDING: The subject property contains two goat areas that are adequately fenced. Criterion met.

(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.

FINDING: The proposed use of two goats on the subject property meet 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.

FINDING: The applicant has provided materials that address applicable health and sanitation standards for farm animals. Criterion met.

(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.

FINDING: The applicant has submitted a conditional use permit to maintain two goats 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.

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

Condition of Approval 2: The applicant shall maintain proper health and sanitation standards to maintain two goats on the subject property. 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.

(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.

FINDING: 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 animals-by product business.

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

Condition of Approval 3: Live stock sale yards, slaughter houses, or animal by-product businesses are prohibited as part of or in conjunction with the raising activities of two goats on the subject property.

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

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

D. This approval shall become final on the date this decision and supporting findings of fact are signed by a representative of the Planning Commission of City of Lowell, below. An appeal of the Planning Commission’s decision must be submitted to the City within 15 days of the Planning Commission’s decision, in conformance with Section 9.309. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.

Jerry Bjornstad, Planning Commission Chair
City of Lowell

Date