

W. 10.a.

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RECEIVED  
LANE COUNTY  
BOARD OF COMMISSIONERS

November 30, 2007

Commissioner Faye Stewart  
125 East 8<sup>th</sup> Avenue  
Eugene, OR 97401

Subject: Coordinated County Population Projections.

Dear Commissioner Stewart,

We understand that the Board of Commissioners is considering LCOG's role in developing Coordinated Population Projections for Lane County. The City of Lowell takes no position on how the Board decides to develop these projections, except to say that the process used by LCOG has effectively coordinated distribution of projected County population amongst the various jurisdictions and produced a recommendation which meets statutory requirements and is satisfactory to all jurisdictions. We also feel that LCOG is uniquely suited to facilitate such regional coordinated efforts.

These population projections are vital to the planning efforts of all jurisdictions, but are especially vital to small cities in determining the demand side of the growth management equation. Because state law dictates that cities not exceed coordinated projections in their growth management planning, small cities can easily be placed in a position of playing catch-up, in providing both infrastructure and buildable land, if growth significantly exceeds those projections. The City of Lowell was forced to place significant and continual restrictions on development between 1996 and 2003 because we didn't keep up with growth demands. We don't want to be put in that position again. Also, State infrastructure funding sources will not fund capacity that exceeds the demand created by the coordinated population projection, so even if we wanted to build extra capacity, we could not get funding assistance to do so.

The City of Lowell has submitted a justification package to LCOG which we feel adequately justifies a 2030 population projection of 2,823, and the LCOG staff, in its recommendation to the LCOG Board, concurs. We have also submitted the entire record of our public involvement process which led to this request. Attached is the cover letter, dated September 21, 2007, for our submittal to LCOG which goes into greater detail on Lowell's position on this issue. We would be more than happy to provide you with the entire public record on our population projection and growth management decision process, which has been ongoing for over three years, upon request.

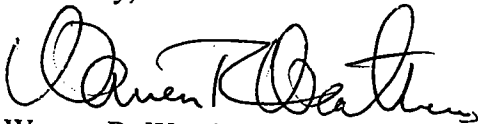
The City of Lowell has a long history with Shade Tree Properties and Ms. Nelson, part owner and officer of Shade Tree Properties. We are not surprised that she and her attorney, Doug Dupriest, have raised issues regarding the coordinated population projection process. Please understand that Ms. Nelson is a member of Lowell's Citizens Advisory Committee and has sat at the table and been heard throughout our process. Because she did not get what she wanted

through participation in our process, she is seeking recourse with the County Board of Commissioners. Shade Tree Properties holds a substantial amount of undeveloped land in Lowell and owns essentially all the larger parcels which are most easily developed. Attached is a copy of our Zoning Map showing Shade Tree holdings and property which has deed restrictions precluding further development, placed on them by Ms. Nelson. Ms. Nelson essentially controls the majority of the unrestricted buildable land in Lowell and her personal and business plans for development are often in conflict with the City's development goals. For obvious reasons, she is adamantly opposed to any action that would justify urban expansion which might provide development competition or alternatives for Lowell. Also of possible interest to you is the fact that Heather Kent, the citizen objecting to Veneta's request, is a long time friend of Ms Nelson. Her father also owns a large (and blighted) property in the Lowell's commercial core.

We welcome the Board's oversight into the LCOG Coordinated Population Projection process and believe we have provided ample justification through a substantial public involvement process of our own. We would hope that the Board would recognize that, except for the statutory requirement to distribute a finite County projected population amongst the various jurisdictions, growth management planning is essentially a local government process. The City of Lowell only requests that we be allowed to plan for growth rates that we both anticipate and desire. Rest assured that Ms. Nelson and others who may have issues will have ample opportunity for comment as we go through our public process to determine our buildable land and infrastructure needs.

Thank you for your consideration.

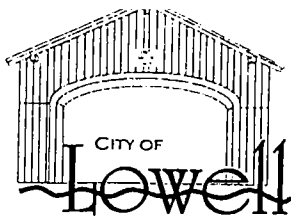
Sincerely,



Warren R. Weathers, Mayor



Ken Larsen, Council President



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September 21, 2007

Board of Directors  
Lane Council of Governments  
99 East Broadway, Suite 400  
Eugene, OR 97452

Dear LCOG Board Members,

The City of Lowell would like to thank LCOG for acting on our request and that of three other member cities to review and revise the Lane County Coordinated Population Projections. We would also like to commend the LCOG staff for their efforts to review, make recommendations and coordinate the proposed revision with all the member cities. It should be noted that for the new 2030 projections recommended by the LCOG staff, only four cities have changes to the currently adopted projections. Of those, Lowell is the only city that requested a projection different from the current projection or the other two options of a 5 year and 15 year historic trend. It should also be noted that the recommended revision provides each member city with either the projection they currently have or a change that satisfies their needs and is still within the guidelines that the total for the County does not exceed the State's estimate plus or minus five percent.

The City of Lowell submitted information which we feel justifies a 2030 population projection of 2,823. This relates to a growth rate of 4.6% and is based on actual experience over the last three years and Lowell's expected growth based on approved land divisions. This growth is the result of the elimination of continuous development restrictions that were in place between 1996 and 2003 and is the best indicator of future growth trends. The City believes that the justification package demonstrates that Lowell is growing and can be anticipated to grow at rates near 4.6% over the 20 year planning period. Being forced to plan to our current projection of 1,700 or 2.2% growth rate, when we are currently experiencing significantly higher rates and anticipate them to continue, will put us right back to the situation we found ourselves in between 1996 and 2003 where we had to restrict development because of infrastructure capacity shortfalls. The Lowell City Council is committed to not allowing that to happen again.

An issue has been raised regarding public participation in LCOG's decision process. The City of Lowell wants to assure the LCOG Board that we went through a substantial public review process prior to the submittal of our justification package and wish to submit that entire record for the record of the LCOG hearing. While the City of Lowell did not conduct a formal public hearing on our justification package, we published a notice inviting written comments and mailed that notice to all parties established on a mailing list we maintain for our ongoing buildable lands inventory process, including Lane County Land Watch and the Goal One Coalition. It should be noted that the only comments received in opposition to the City's population projection justification were from a major property owner in town, Mia Nelson, and

consultants hired by her. There was no testimony or evidence provided by any other party or organization opposing Lowell's proposed actions. It should also be noted that Ms Nelson is a member of Lowell's Citizen's Advisory Committee and was at the table when the Planning Commission made its recommendation to the City Council and was present and made comments at City Council meetings when this issue was deliberated and decided.

Ms. Nelson, her lawyer and two supporters have raised issues with the Lane County Board of Commissioners regarding LCOG's public review process. The City of Lowell agrees that the public review process should meet the standards required of a land use decision. While it appears that there is some uncertainty regarding just where the land use decision occurs or even if approval of the Coordinated Population Projections is a land use decision, the City of Lowell requests LCOG to provide the widest possible opportunity for comment. We request that the LCOG board keep the record of this proceeding open until a second public hearing can be scheduled, more than 45 days into the future. We further request that the required 45 day notice be submitted to DLCD and mailed to all persons on any mailing list that the Lane County Planning Department maintains for legislative land use actions. Finally, we request that the record remain open for no less than seven days following the second hearing to allow final comments and rebuttal evidence to be presented. While this may extend the decision process, it is important to the City of Lowell that our approved projection not be open to further challenge when we use it to justify infrastructure financing and to establish our buildable lands inventory. Also, by following this process, should the Lane County Board of Commissioners decide they want to adopt and incorporate the Coordinated Population Projections into the County Comprehensive Plan as a land use action, the record will be established and there will be no need to repeat the public review process.

We would also ask that, in making your decision, you evaluate primarily the adequacy of the process and record of Lowell's decision in justifying our population projection request. Going significantly farther than that would, in effect, be usurping local planning authority, especially given that no member jurisdiction has objected to or is negatively impacted by Lowell's request.

Finally, it has been suggested that the Board of Commissioners "take back" the authority the County has delegated to LCOG. While that is certainly a prerogative of the Board, LCOG is in the business of coordinating and gaining consensus on a wide range of regional issues and we believe can be much more responsive, given the County Planning Staff's workload, to future requests for revisions to the population projections when a city determines, through its own process, that a change is warranted and justified.

Thank you for considering Lowell's request.



Charles F. Spies  
City Administrator

# LOWELL COMPREHENSIVE PLAN/ZONING

0 250 500 750 1,000 Feet



□ Taxlots

□ City Limits

▤ Urban Growth Boundary

□ R1 - Single Family Residential

□ R3 - Multiple Family Residential

■ C1 - Commercial District

■ C2 - Downtown Commercial

■ I1 - Light Industrial

■ PL - Public Land

**ZONING OVERLAYS**

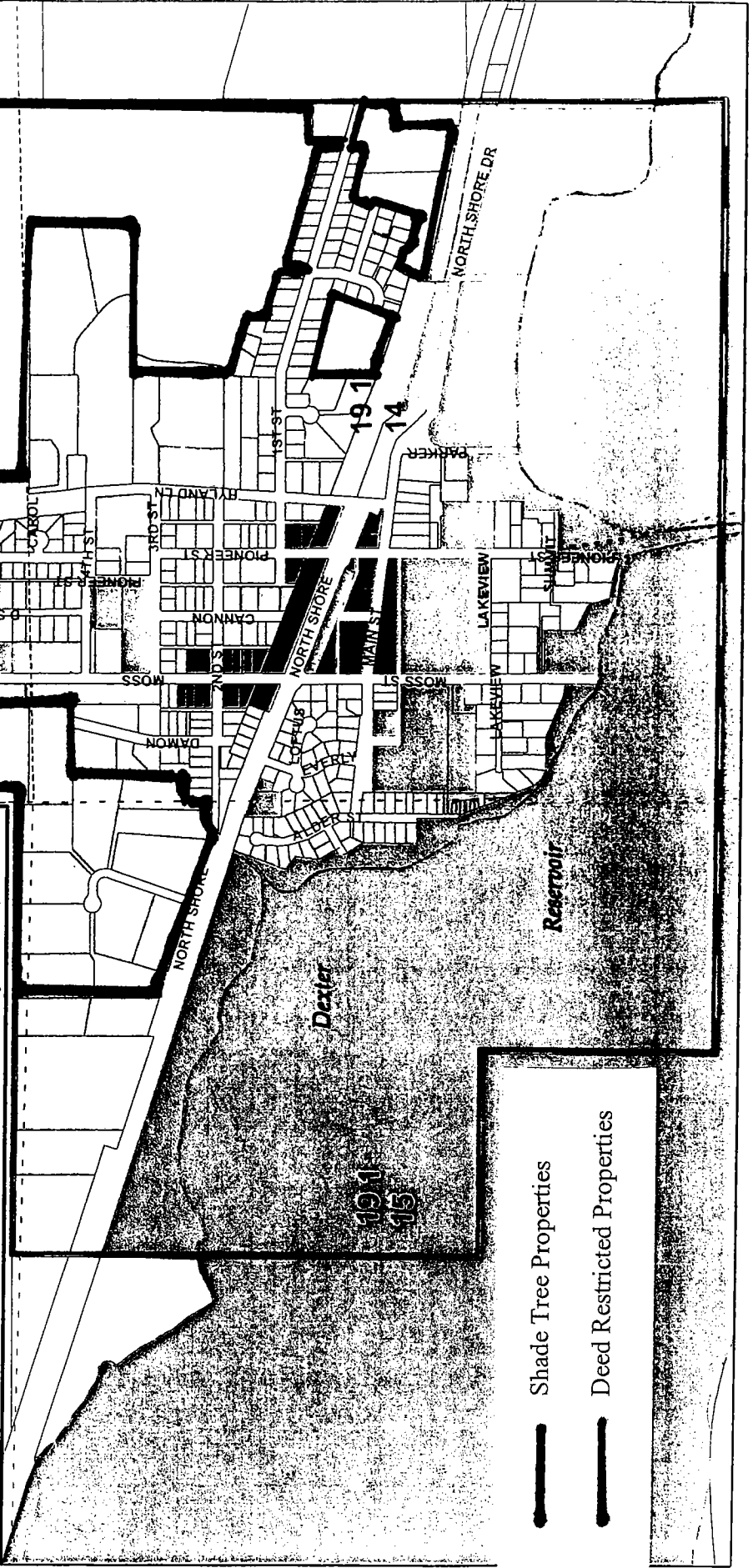
▨ PD - Planned Development (Not shown on map)

The information on this map was derived from digital data provided by Lane Council of Governments' regional geographic information system. While every effort was made in the creation of this map, it is not guaranteed to be free of errors, omissions, or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, express or implied, accompanying this product. However, notification of any errors will be appreciated.



Lane Council of Governments  
99 East Broadway, Suite 400  
Eugene OR, 97401

Printing Date: October 26, 2005



▬ Shade Tree Properties

▬ Deed Restricted Properties