

MINUTES

Lowell Planning and Zoning Board

Regular Meeting

Tuesday, August 1 2023, 6:00 P.M.

I. CALL TO ORDER

Chairman Scott Wilson, called the meeting to order at 6:04 p.m. Planning Board members present: Troy Roberts Sr., Norris Lamb, Heather Seay and David Jennings. Staff members present: Joe Gates, Planning Director, Todd Stroupe, GIS Analyst, new Stormwater Administrator, Jamie Watkins and Cheryl Ramsey, City Clerk. Members of the public were also in attendance.

II. DETERMINATION OF QUORUM –it was determined a quorum was reached.

III. PLEDGE OF ALLEGIANCE - led by Scott Wilson

IV. CHANGES TO AND APPROVAL OF AGENDA – No changes. Board Member Lamb made a motion to approve the agenda without change, seconded by Board Member Seay. The vote was unanimously in favor.

V. APPROVAL OF MINUTES FROM THE JULY 6, 2023, MEETING.

A motion was made by Board Member Jennings to approve the previous minutes, seconded by Board Member Roberts. The vote was unanimously in favor.

VI. OLD BUSINESS – None

VII. NEW BUSINESS

- A. **Amendment to Policy for Managing Utility Allocations and Extensions (Information only)** Text amendment to more clearly define the fees that are due once a Full Capacity Assurance Review (FCAR) has been granted.

Mr. Gates discussed the amendment as more of an information only topic for the Board. He said staff has been receiving a number of these allocations and extensions for review recently. One of the things staff has reviewed over the last couple months is regarding paying ‘the system development fees, meter set fees, and any other fees deemed applicable by the Public Works Director’ noted in the policy. Basically, the requestor would have to pay the fees within 45 days to lock in the costs to avoid revocation of the allocation. When staff were reviewing the policy, they noted that the only fees required to be paid to reserve utility allocation were tap fees. The problem staff faced was that not all requestors pay tap fees, and some larger developers tend to have their own crews and make their

own taps. It was determined to take the requested change to City Council for approval on August 15 [2023] noting all the applicable fees that would be included for requestors within the 45-day period. He wanted to ensure that the Planning Board was aware of the change.

Chairman Wilson asked about the fees for the development by Spencer Ridge (former Pulte Development). Mr. Gates figured it to be approximately \$1-1.2 million in fees for all the lots that need to be done there. Board Member Roberts asked if that is based off of what it would cost an individual? Mr. Gates said yes, all the fees that could be incurred have been studied and updated by consultants and engineers. Board Member Jennings asked if the developer has to pay all the fees upfront or if the houses that are going to be built as they go? Mr. Gates said this is specifically regarding the water/sewer utility fees, not zoning permits or plan review or inspections. Board Member Jennings asked if they have to set the water meter. Mr. Gates said that the developer pays for the meter upfront, but it is not installed until later in the construction process. He said this policy says that if we've gone through the process of giving the developer allocation, then they pay the fees and can move forward. If things arise and they are unable to complete their project, the developer could potentially get a portion of what they paid returned. An individual isn't having to go through the capacity because they do not have to use the same amount of water as a development.

Board Member Jennings was concerned about making people pay for things that they are not using in advance. Board Member Roberts recalled how, years ago, the City of Lowell lost a lot of money allowing a new housing development to only pay one tap fee for all the homes they built. He said City Council then decided to look at that then to avoid losing more money. Board Member Lamb said if they have a plan in place and it will take four years to build, for example, do they allow stages of payments or pay upfront? Mr. Gates read #1 under section E, that all utility allocations approved by the City shall be effective for a period of 24 months. Projects possessing an allocation must start construction so if they started construction in earlier phases, this checks that box. If it goes inactive or they leave for example, there are ways to get a portion back within the policy.

Board Member Lamb agreed with Board Member Roberts that they should have to pay this fee but also agreed with Board Member Jennings in asking how business friendly it is to make a developer pay for a project upfront. He thinks it would be more friendly to pay in installments. Mr. Gates said the problem with that is they are tying up the allocations that someone else is willing to pay up front for. They could be prevented from completing their project because another developer is holding out on paying. Board Member Seay asked if they didn't want to pay for the whole thing, they could pay for the allocation by phases? Mr.

Gates said yes, and that the policy is saying pay for the allocation asked for to avoid tying it up for other developers. Board Member Lamb and Jennings said that makes sense when explained further.

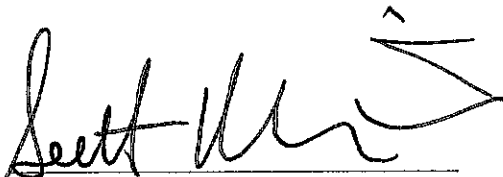
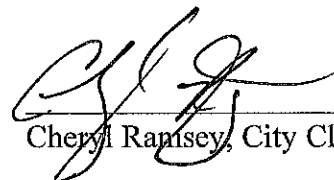
Board Member asked is this for developments going forward and not already started? Mr. Gates said River Heights has already paid for their allocations. Board Member Jennings asked about money going to a separate pot specifically for water/sewer and upgrading sewer and water facilities. Mr. Gates said system developments fees are to be used for things like purchasing capacity or building out the capacity at an existing plant.

- B. **Planning Board Member Training: Learning how to navigate the Lowell Development Ordinance.** Targeted training for the Lowell Planning Board. Mr. Gates, based on concerns from the board in the past, decided to discuss some scenarios with the members to understand and follow the guides and how to navigate through the LDO based on requests from citizens and developers.

VIII. ADJOURN

Motion was made to adjourn by Board Member Roberts, seconded by Board Member Jennings. The vote was unanimously in favor. Adjourned at 7:02 p.m.

AFFIRM:


Chair, Scott Wilson
Cheryl Ramsey, City Clerk