

**CITY OF SHADY COVE  
PLANNING COMMISSION PUBLIC HEARING**

**CITY HALL, 22451 HIGHWAY 62  
Thursday, July 11, 2019 at 6:30 p.m.**

Agenda

**I. Call to Order**

- A. Roll call.
- B. Announcements by Presiding Officer.
  - 1. This meeting is being digitally recorded.
  - 2. The next regularly scheduled Planning Commission meeting will be July 25 at 6:30 p.m. in the City Council Chamber.

**II. Public Hearing**

Open Public Hearing.

- A. Public Hearing to accept public testimony regarding proposed amendments to the Shady Cove Code of Ordinances to amend the definition for Accessory Dwelling Unit (ADU). Planning File Number: CPA 19-02. (pg. 3-9)
  - 1. Read Public Hearing Opening Statement.
  - 2. If you would like to speak before the Commission, please sign the sheet on the table.
  - 3. Jurisdiction Question.
  - 4. Conflict of Interest.
  - 5. Staff Comments. (Ryan Nolan)
  - 6. Proponent's Testimony/Commission Questions.
  - 7. Opponent's Testimony/Commission Questions.
  - 8. Final Staff Comments.
  - 9. Close/Continue Hearing.
  - 10. Deliberations/Discussion/Decision

**III. New Business**

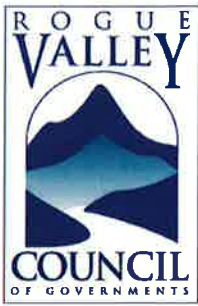
- A. Mallory Lane Proposal. (pg. 10-13)

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

**IV. Commissioner Comments**

**V. Adjournment**

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**ROGUE VALLEY**  
Council of Governments

155 N. First St.  
P.O. Box 3275  
Central Point, OR 97502  
(541) 664-6674  
FAX (541) 664-7927

**MEMORANDUM**

**Date:** July 3, 2019  
**To:** Shady Cove Planning Commission  
**From:** Ryan Nolan, Principal Planner  
**Subject:** Municipal Code "Accessory Dwelling Unit" Definition Amendment

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The City of Shady Cove, on its own initiative, proposes legislative amendments to amend the definition for "Accessory Dwelling Unit" currently found in Ordinance No. 288 and to be codified in Chapter 154.006.

After reviewing several issues surrounding Accessory Dwelling Units and the challenges found in identifying what is, and what is not an Accessory Dwelling Unit, staff have prepared an amendment to the definition that will help clarify what is, and what is not an Accessory Dwelling Unit.

Legislative amendments are subject to the criteria of Section 154.438(C), and require at least one hearing before the Planning Commission and, if approved by the Commission, at least one hearing before the City Council. The criteria are as follows:

*(C) The following criteria shall be addressed by the Planning Commission and City Council, along with any other considerations that may be unique or appropriate to the application being processed.*

- (1) The proposal shall be consistent with the city's adopted goals and policies pertaining to land use, growth and development.*
- (2) The proposal shall be consistent with all applicable statewide planning goals, including the urbanization factors of goal #14.*
- (3) There shall be at least a conceptual development plan for the subject property that is the subject of a request for a zoning or plan amendment, and that plan shall demonstrate the city's and property owner's abilities to provide all needed public facilities, services and utilities to the site, including streets.*

These criteria apply more directly to amendments to comprehensive plan and zoning maps than to text amendments. The proposed text amendment does not involve a subject property, rendering Criterion #3 moot. The other two criteria also require more specific findings when the amendment affects particular properties.

Here is the proposed text amendment:

### Accessory Dwelling Units Definition

#### Existing Definition:

Accessory Dwelling – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

#### Amended Definition:

Accessory Dwelling – An interior, attached sharing a common wall or heated space, or detached residential structure with permanently installed cook top and oven that is used in connection with, or that is accessory to, a single-family dwelling.

Staff finds that the proposed definition will enhance the ability to more clearly identify what is and what is not considered an accessory dwelling unit in the City of Shady Cove. As a result, staff recommends that the Planning Commission recommend approval of the proposed definition and code amendment to City Council. The Planning Commission may also recommend denial or continue the hearing to a time, place, and date certain.



# NOTICE OF A PROPOSED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FORM 1

<b>FOR DLCD USE</b>
File No.:
Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing.** (See [OAR 660-018-0020](#) for a post-acknowledgment plan amendment and [OAR 660-025-0080](#) for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: **City of Shady Cove**

Local file no.: **CPA 19-02**

Please check the type of change that best describes the proposal:

- Urban growth boundary (UGB) amendment** including more than 50 acres, by a city with a population greater than 2,500 within the UGB
- UGB amendment** over 100 acres by a metropolitan service district
- Urban reserve designation**, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
- Periodic review task** – Task no.:
- Any other change** to a comp plan or land use regulation (*e.g.*, a post-acknowledgement plan amendment)

Local contact person (name and title): **Debby Jermain, Planning Technician**

Phone: **541-878-8204** E-mail: **djermain@shadycove.org**

Street address: **22451 Hwy 62** City: **Shady Cove** Zip: **97539**

**Briefly summarize the proposal** in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

**Amending the definition section of the zoning chapter of the Shady Cove Code of Ordinances to define kitchen requirements for ADUs and define attached versus detached ADUs. Staff report will be available at City Hall one week before the hearing.**

Date of first evidentiary hearing: **07/11/2019**

Date of final hearing: **08/01/2019**

This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- Comprehensive Plan text amendment(s)
- Comprehensive Plan map amendment(s) – Change from \_\_\_\_\_ to \_\_\_\_\_  
Change from \_\_\_\_\_ to \_\_\_\_\_
- New or amended land use regulation
- Zoning map amendment(s) – Change from \_\_\_\_\_ to \_\_\_\_\_  
Change from \_\_\_\_\_ to \_\_\_\_\_

An exception to a statewide planning goal is proposed – goal(s) subject to exception:

Acres affected by map amendment:

Location of property, if applicable (site address and T, R, Sec., TL):

List affected state or federal agencies, local governments and special districts: **Jackson County**

The following pages include the Notice and Certificate of Mailing to property owners within the Shady Cove city limits. The list is included in the record, but not copied in the staff report because of its size.

## NOTICE OF PUBLIC HEARING

**This is to notify you that the City of Shady Cove has proposed a land use regulation that may affect the permissible uses of your property and other properties.**

The City of Shady Cove has proposed an ordinance to amend the Code of Ordinances definition section of the zoning code regarding Accessory Dwelling Units (ADUs). The City has determined that adoption of this proposed ordinance may affect the permissible uses of your property, and/or may change the value of your property. This notice, including the above statement, is required by Oregon state law (ORS 227.186).

NOTICE IS HEREBY GIVEN that the Shady Cove Planning Commission will conduct a public hearing on **Thursday, July 11, 2019, at 6:30 p.m.** in the City Hall Council Chamber, 22451 Hwy 62, Shady Cove, Jackson County, Oregon. The purpose of the hearing is consideration of a text amendment to adopt amended definitions related to Accessory Dwelling Units. Possible Planning Commission actions include a recommendation to approve the text as written, approve alternate text, denial, or continuance. The Shady Cove City Council will conduct a public hearing on **Thursday, August 1, 2019, at 6:00 p.m.** in the City Hall Council Chambers to consider the recommendation of the Planning Commission. Possible City Council actions include approval of the text as written, approval of alternate text, denial or continuance. Planning File No. CPA 19-02.

The proposed Accessory Dwelling Unit definitions are available for review at the City of Shady Cove, 22451 Hwy 62, Shady Cove, OR from 8:00 a.m. to 5:00 p.m. Copies of the proposed ordinance and file information are available for purchase if requested or may be viewed on the city's website [www.shadycove.org](http://www.shadycove.org). For additional information concerning this proposed ordinance, call the Shady Cove Planning Department at 541-878-8204.

Oral and written public testimony regarding this matter will be accepted at the public hearing. Written statements are encouraged and may be submitted at any time, but must be received by **July 2, 2019, to be included in the staff report.** Mail written comments to City Planner, City of Shady Cove, PO Box 1210, Shady Cove OR 97539, via FAX at 541-878-2226, or via E-mail at [djermain@shadycove.org](mailto:djermain@shadycove.org).

This notice is not a determination the regulations will affect your property, but that the regulations may affect your property depending on various factors.

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at 541-878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).



*Mayor*  
Lena Richardson

*Councilors*  
Steve Mitchell  
Dick McGregor  
Shari Tarvin  
Hank Hohenstein

## CERTIFICATE OF MAILING

I hereby certify that on June 20, 2019, I provided a copy of the NOTICE OF PUBLIC HEARING, PLANNING FILE NO. CPA 19-02 by first class mail to the following (list attached):

  
\_\_\_\_\_  
Debby Jermain, Planning Technician

*"The City of Shady Cove is an equal opportunity provider."*

22451 Highway 62 ♦ PO Box 1210 ♦ Shady Cove OR 97539 ♦ (541) 878-2225 ♦ FAX: (541) 878-2226  
E-Mail: [djermain@shadycove.org](mailto:djermain@shadycove.org) ♦ Web Site: [www.shadycove.org](http://www.shadycove.org)



## NOTICE OF PUBLIC HEARING

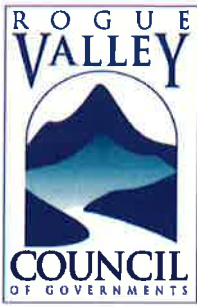
**NOTICE IS HEREBY GIVEN** that the City of Shady Cove Planning Commission will hold a public hearing on **Thursday, July 11, 2019** at **6:30 p.m.**, in the council chamber of Shady Cove City Hall, 22451 Hwy 62, Shady Cove, Oregon. The purpose of the hearing is consideration to amend the definition for "Accessory Dwelling Unit" found in Chapter 154.006 of the Shady Cove Code of Ordinances. Possible Planning Commission actions include a recommendation to approve the text as written, approve alternate text, deny or continue.

The proposed ordinance Planning File No. CPA 19-02, is available for review at the City of Shady Cove, 22451 Hwy 62, Shady Cove, OR from 8:00 a.m. to 5:00 p.m. Copies of the proposed ordinance and file information are available for purchase if requested or may be viewed on the city's website [www.shadycove.org](http://www.shadycove.org).

Please mail comments to City of Shady Cove, PO Box 1210, Shady Cove, OR 97539. The staff report will be available for inspection seven days prior to the hearing. Additional information available by contacting the Planning Department at 541-878-8204.

The public is invited to attend and comment at this public hearing.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).



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**MEMORANDUM**

**Date:** July 9, 2019  
**To:** Shady Cove Planning Commission  
**From:** Ryan Nolan  
**Subject:** Mallory Lane Improvement Request

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The City has received a formal request from the Shady Cove Assembly of God Church to authorize the improvement of an approximately 430-foot section of Mallory Lane. The request is also asking that the City accept Mallory Lane as a City Street.

The request outlines the Church's plan to pave the first (approximately) 430 feet of Mallory lane 20 feet, using 3 inches of asphalt. The Church also states they will use a licensed contractor for the resurfacing.

Mallory lane was originally created as a separate tract of land that was never accepted as right of way, but instead by default of property tax payments was foreclosed on and came under the ownership of Jackson County. According to Jackson County several years ago the City and County went through a process to deem the county owned lot a "local access road". The County claims that any "local access road" which is located within City limits must meet improvement standards set by the City and any improvement of the "local access road" would go through a City approval process.

The City currently has street standards with a minimum local residential street standard (streets with less than 1,500 average daily trips, and parking on one side) of 47 feet of right of way with 22 feet of paving, curb and gutter on each side of the street, and 5 feet of sidewalk on each side of the road. The proposed improvement clearly does not meet the minimum local residential street standard. As such, staff recommends that the City not entertain adoption of the street as an improved City Street until such time as the street meets minimum City Street Standards.

That being said; the Jackson County Road Department Director has clearly stated that Jackson County is not able to offer improvement standards or to authorize any improvement of the subject roadway. The Director has stated that as a "Local Access Road" within City limits the City has all authority to approve improvements and to set improvement standards. The proposed improvement does meet the City's standards for alleys and is an improvement that will benefit City residents and property owners who

access this “local access road”.

Therefore, staff suggests that the Planning Commission through a development agreement with The Shady Cove Assembly of God Church authorize the “local access road” improvement of Mallory Lane as outlined in the plans submitted by Pastor Jack Bacon. Further, staff suggests that the Planning Commission clearly state in the agreement that the City will not accept ownership nor responsibility of Mallory Lane until such time as it is brought to complete street standards of the City of Shady Cove. Staff also suggests that the Planning Commission agreement require that the Church submit plans to the City Engineer for Comment so that the Engineer may evaluate the improvement to clarify that the resurfacing improvement will not negatively affect any existing utilities nor any future infrastructure improvement plans of the City. Should the City Engineer provide comment that the plan requires changes the Church shall agree to make any design changes as suggested before proceeding.



Post Office Box 529 • Shady Cove, Oregon 97539

June 1, 2019

Thomas J. Corrigan  
City Administrator  
City of Shady Cove  
541-878-2225  
[www.shadycove.org](http://www.shadycove.org)

RE: Mallory Lane Pavement

Dear Mr. Corrigan and the City of Shady Cove:

The Shady Cove Assembly of God Church proposes to construct the public ROW known as Mallory Lane to City standards, approximately 430' long x 20' wide x 3" thick asphalt roadway, as per prior submitted plan and constructed by a reliable licensed contractor. We will share the construction plans with the City, ask the City to receive Mallory Lane as a City street plus ask the City to maintain the street upon the completion of construction.

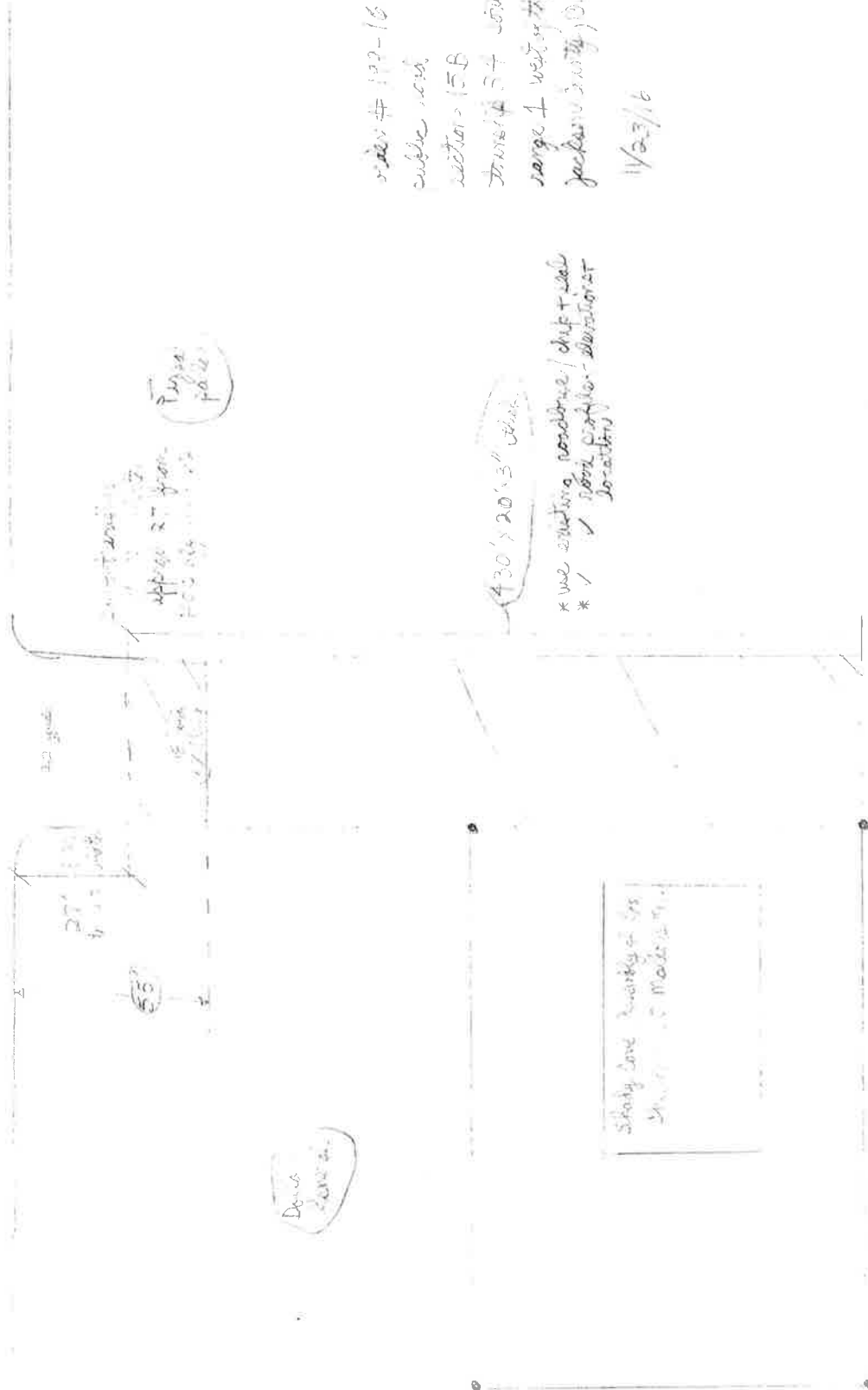
Thank you for your consideration in this matter.

Sincerely,

Pastor Jack Bacon

Deacon Board of SCAOG

Jack Bacon, Pastor • (541) 878-2834



order # 199-16  
 cubic yard  
 section 15B  
 transfer 54 units  
 range 4 west of the wilderness  
 Jackson County, Oregon  
 11/23/16

430' x 20' x 3'

\* use existing roadwork / dirt + rock  
 \* use gravel / stone / elevation at location

Study done  
 quantity of 1/2  
 1/2 1/2 1/2 1/2 1/2

Dens. Survey

1/2 1/2 1/2 1/2 1/2

approx 27 from  
 1/2 1/2 1/2 1/2 1/2

20 yards

27' 1/2 1/2 1/2 1/2 1/2

1/2 1/2 1/2 1/2 1/2