

Agenda
Shady Cove Planning Commission Public Hearing
Thursday, September 10, 2020
6:00 PM

Please advise us if you plan on attending the public hearing by Thursday the 10th at 10 am as we may need to set this up telephonically

I. Call to Order

- A. Roll call.
- B. Announcements by Presiding Officer.
 - 1. This meeting is being digitally recorded.
 - 2. The next regularly scheduled meeting of the Planning Commission will be September 24, 2020, at 6:00p.m., possibly held telephonically.
 - 3. The meeting date is subject to change by the circumstances related to COVID-19.

II. Public Hearing

Open Public Hearing.

A). Public Hearing to accept public testimony and consider a vacation of a portion of the turnaround at the terminus of Brophy Way. The request is also asking that the City accept a new hammerhead turnaround as a new section of the public right of way.
Owner/Applicant: Mike Malepsy File Number: VAC 20-01.

- 1. Read Public Hearing Opening Statement.
- 2. If you would like to speak before the Commission, please email ahead of time djermain@shadycove.org
- 3. Jurisdiction Question.
- 4. Conflict of Interest.
- 5. Ex Parte Contact.
- 6. Site Visit.

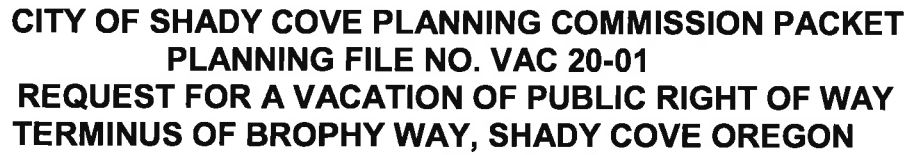
7. Staff Comments. (Nolan)
8. Applicants' Testimony/Proponents Testimony/Commission Questions
9. Opponents' Testimony/Commission Questions.
10. Rebuttal.
11. Final Staff Comments.
12. Close/Continue Hearing.
13. Deliberations/Discussion/Decision.

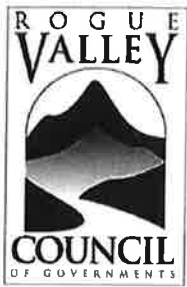
III. Department Reports

- A. Planning Technician Report

IV. Commissioner Comments

V. Adjournment

[illegible]



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: September 3, 2020
To: Shady Cove Planning Commission
From: Ryan Nolan
Subject: Brophy Way Right of Way Vacation Request

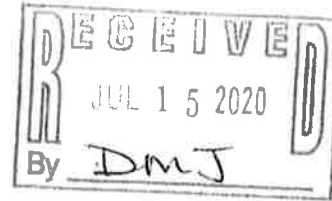
The City has received a formal request from the Mike Malepsy to vacate a portion of the turn around at the terminus of Brophy Way. The request is also asking that the City accept a new hammerhead turnaround (built to meet Fire Apparatus Access standards of the Oregon Fire Code) as a new section of public right of way.

The process for right of way vacation is outlined in Oregon Revised Statute 271.100. As part of the process adequate notice has been published and mailed to surrounding property owners. The actual vacation would have to be completed by City Ordinance approved by the City Council and recorded with the County.

A draft Ordinance and a map of the current right of way proposed for vacation and newly proposed right of way for adoption are attached to this memo. The applicant had previously discussed this proposal with the Planning Commission and been given tentative approval for the concept. The proposed street alterations are in conformance with City Street standards as well as Oregon Fire Code Fire Apparatus Access Standards.

Therefore, staff suggests that the Planning Commission through a formal motion recommend that the City Council approve the request for right of way vacation and the acceptance of the new section of public right way as proposed in Exhibit "A".

July 7, 2020



City of Shady Cove

City Counsel

Re: Vacate Brophy Cul-de-sac/Dedicate Hammerhead

I am writing to request that the City vacate the cul-de-sac area at the end of Brophy and we will in return replace it with a new hammerhead turnaround (see the attached Survey map -- Exhibit A). This proposal was brought before the City Planning Commission on April 25, 2019 and was unanimously agreed upon that it was the right thing to do for the neighborhood and potential traffic design.

The history of the cul-de-sac is that when we had proposed a City Park, the cul-de-sac design worked for the amount of traffic activity that would occur there. The City Park is no longer planned on the tax lot and we intend for it to be a single-family dwelling. By removing the cul-de-sac, it will also solve some crime and security issues we have experienced at this end of Brophy.

If you approve the concept and design, we will at our expense, provide the deeds and the recordings. We will, upon abandoning the cul-de-sac, build a hammerhead turnaround of the same quality of the existing cul-de-sac. It is built to County private road standards with no blacktop or curbing. We will get City Engineering and Fire Department approval.

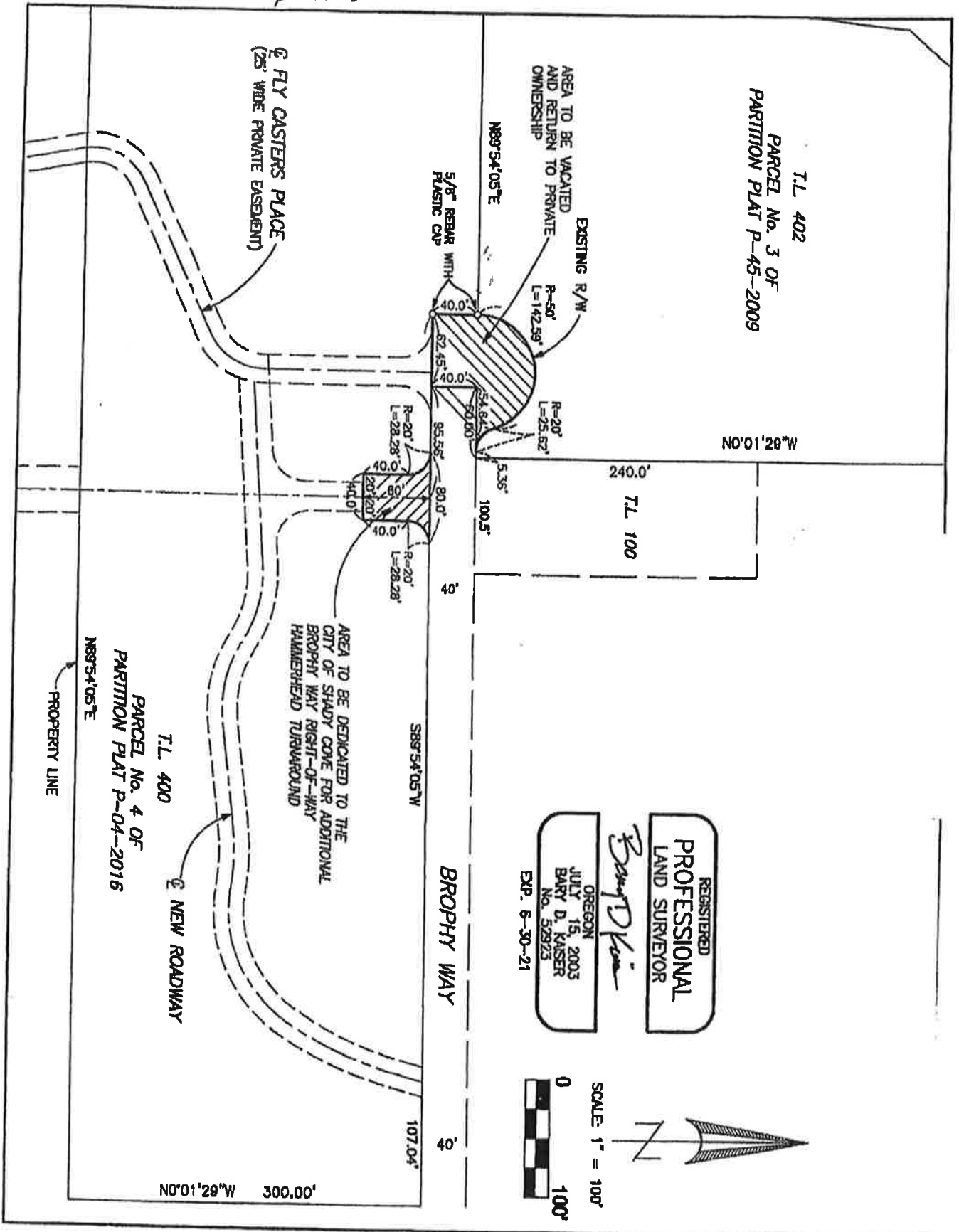
Thank you for helping us make this neighborhood safer and provide for a more logical transportation design.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Malepsy".

Mike Malepsy

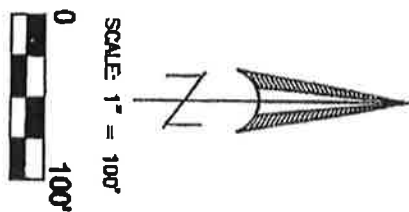
Exhibit "A"



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Barry D. Kaiser

OREGON
JULY 15, 2003
BARRY D. KAISER
No. 52923
EXP. 6-30-21



CRATER LAKE HWY. [STATE HWY. No. 62]

for the accessway to meet the Minimum Access Design Standards of Section 9.5.5 not including routine maintenance items; (2) a review of crashes on the accessway; and (3) a determination as to whether the accessway needs to be widened or additional turnouts need to be added to accommodate the additional traffic being added by the proposed dwelling.

B) Access Requirements for Existing Dwellings and Other Structures

Access to existing dwellings and other structures, not exempted by 9.5.5(B), served by a private access easement, shall meet the Minimum Access Design Standards of Section 9.5.5.

9.5.5 Minimum Access Design Standards

This Section contains mandatory standards for access to all new and existing structures located on existing lawfully established units of land except as exempted through Section 9.5.5(B).

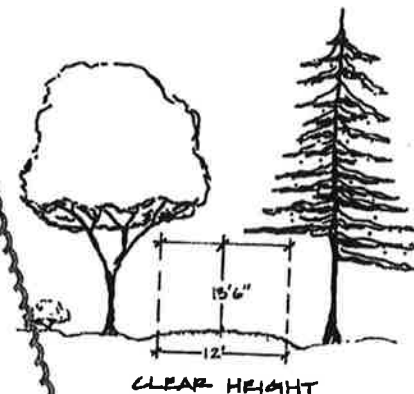
Compliance with the standards of this section will be verified through a Fire Safety Inspection or a Field Inspection as coordinated through Jackson County Development Services and shall occur prior to issuance of building permits. All requirements of this section must be met prior to issuance of permits with the exception of final surface material which may be completed prior to final occupancy. Access at a minimum will meet the following requirements:

A) Access Requirements

- 1) Length: Access shall extend to within 150 feet of any portion of the exterior walls of the first story, as measured by an approved route around the exterior of the structure, unless another method of protection (e.g. fire sprinklers) is otherwise approved by the local fire official which allows for a greater distance through a Type 1 review.
- 2) Surface: Access must be constructed of an all-weather surface. Minimum total surface width, including shoulders, will not be less than 12 feet. Driveway/Access segments having curves with a centerline radius of less than 55 feet require a minimum 14 foot width;

- 3) Clearance: A minimum clear height of 13½ feet must be maintained for the entire width of the driveway/access;

- 4) Weight Capacity: Access must be designed and constructed to carry a vehicle that has a weight of 50,000 pounds with the ability to carry an occasional fire vehicle weighing 60,000 pounds. Access must be constructed of a minimum of six (6) inches of 4"-minus base rock, or equivalent;





Mayor
Lena Richardson

Councilors
Steve Mitchell
Dick McGregor
Shari Tarvin
Hank Hohenstein

CERTIFICATE OF MAILING

I hereby certify that on August 19, 2020, I provided a copy of the Notification of Adjacent Property Use Proposal APPLICATION NO. VAC 20-01 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 ♦ Web Site: www.shadycove.org

Elder, Erin P Et Al
PO Box 207
Shady Cove, OR 97539

Malko Investments LLC
36 Meadow Lane
Shady Cove, OR 97539

Collins, Z Idelle
PO Box 849
Shady Cove, OR 97539

Leisure Days LLC
1188 Marine Dr
Laguna Beach, CA 92651

Degner, Mark B Trustee Et At
3523 Arrowhead Dr #101
Medford, OR 97504

Flywater LLC
PO Box 1004
Shady Cove, OR 97539

**CITY OF SHADY COVE
PLANNING COMMISSION**

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: Existing turn around at the terminus of Brophy Way

PROPOSAL: The request is for a Vacation of Public Right of Way to vacate the existing turn around at the terminus of Brophy Way and includes dedication of a revised 'hammerhead' turnaround located near the end of Brophy Lane

DATE AND TIME OF MEETING: Thursday, September 10, 2020 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Highway 62.

RESPONSE DATE: September 3, 2020 APPLICANT/OWNER: Mike Malepsy

The purpose of this notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application. You may also give oral testimony at the public hearing.

The Planning Commission shall make a recommendation to the City Council after addressing all of the relevant approval criteria and standards. Based upon the criteria and standards; the facts contained within the record; the evidence submitted and the testimony presented, the Planning Commission shall grant a continuance of the public hearing, or they shall recommend approval, recommend approval with conditions, or recommend denial of the right of way vacation request.

The procedure for vacating any public improvement including right of way is governed by the applicable laws of the State of Oregon. Chapter 95 of the City of Shady Cove Code of Ordinances outlines the process and criteria by which the City allows creation of streets and ways. City Streets are to meet all City Street Standards as outlined in Table 6.B.1 or as approved by the Planning Commission. Section 95.61(C) states that rights of way for streets may be created by acceptance of a deed; provided that, the street is deemed essential by the City Council of the purpose of implementing the Comprehensive Plan/Transportation Plan, and the deeded right-of-way conforms to the standards of this chapter.

Exhibit 'A' is attached which shows the proposed right-of-way to be vacated and the proposed right-of-way to be dedicated.

Failure to raise an issue at a hearing, in person or in writing, accompanied by statements or evidence sufficient to afford the decision maker and the applicant an opportunity to respond to the issue, shall preclude appeal to the Oregon State Land Use Board of Appeals based on that issue. All testimony and evidence must be directed towards specific criteria.

A copy of the application, all documents and evidence submitted by the applicant, and applicable criteria are available for review at no cost and will be provided at a reasonable cost. Staff reports will be available 7 days prior to the hearing. Public attendance is welcome. For more information please contact the Planning Department at City Hall, (541) 878-8204.

**** REVIEW AND COMMENT ****

- ☐ No adverse effect.
- ☐ No comment.
- ☐ It has adverse effects as stated below.

REMARKS: _____

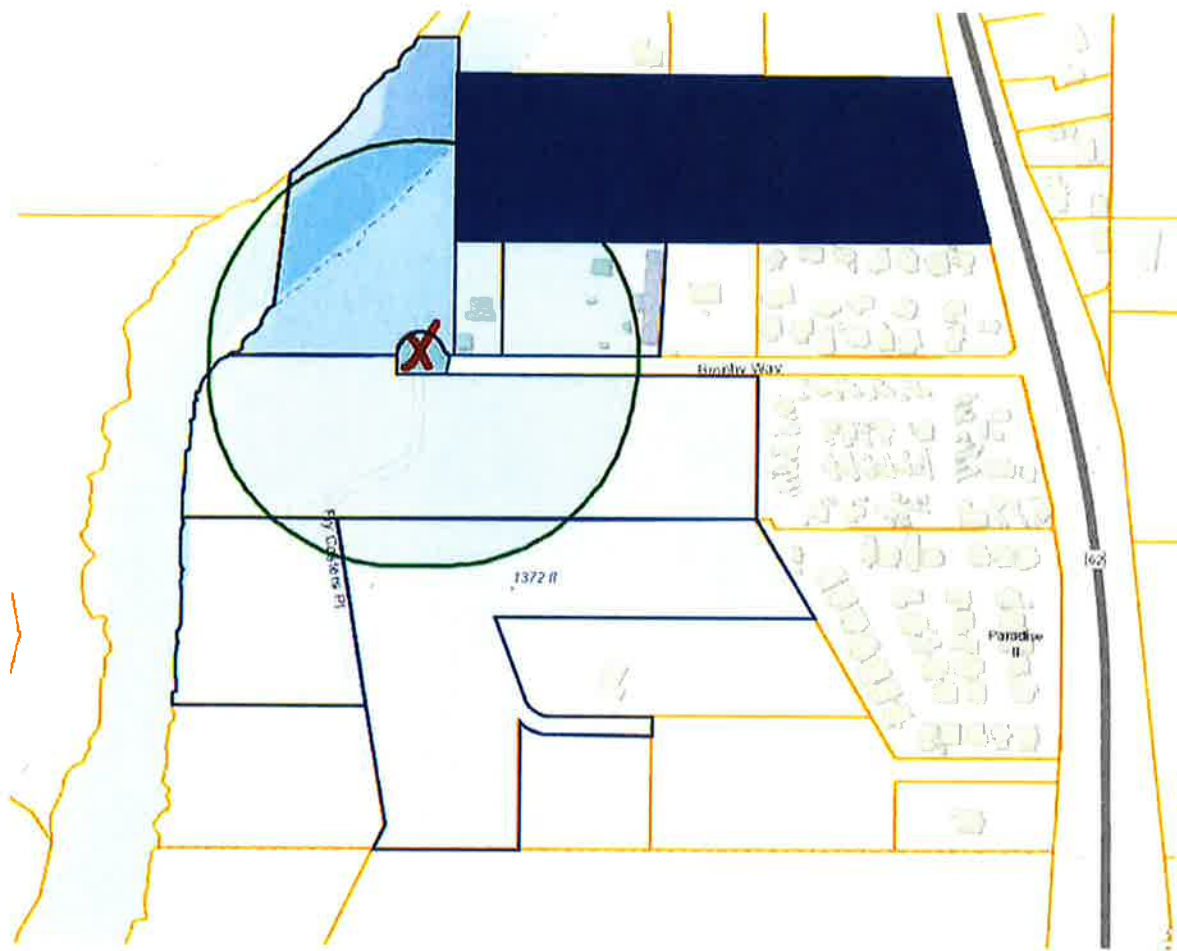
SIGNATURE: _____

PRINTED NAME(S): _____

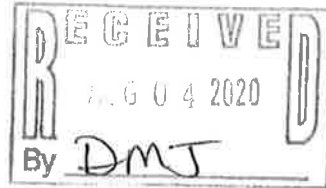
STREET AND MAILING ADDRESS: _____

Please submit your response to: City of Shady Cove Planning Dept, PO Box 1210, Shady Cove, OR 97539

"Notice to mortgagee, lien holder, vendor, or seller: The Shady Cove Zoning Ordinance requires that if you receive this notice it shall be promptly forwarded to the purchaser."



August 3, 2020



City of Shady Cove

City Counsel

Re: Vacate Brophy Way Cul-de-sac/Dedicated Hammerhead

I'm writing in support of Mike Malepsy's request for vacating the Brophy Way Cul-de-sac as defined in his letter dated July 7, 2020. As a resident in FlyCasters Estates we to are concerned with the ongoing Safety issues (Trespassing, drug use and vandalism) as there are on numerous occassions vehicles parked in the Cul-de-sac where people congregate, and needles are found as well as constant trespassing on Mikes Property. They have also continued down the river to our property which is concerning

So we would appreciate the Counsels approval of the proposed plan to enhance our security and to reduce crime in the area.

Thank you for your consideration .

Sincerely,

Robert Langhoff
500 FlyCasters Place
Shady Cove, OR, 97539
(602) 750-2619



Mayor
Lena Richardson

Councilors
Steve Mitchell
Dick McGregor
Shari Tarvin
Hank Hohenstein

NOTICE OF PUBLIC HEARING

The City of Shady Cove Planning Commission will hold a Public Hearing at 6:00 p.m. on **Thursday, September 10, 2020**, at the Shady Cove City Hall Council Chamber, 22451 Highway 62, Shady Cove, Oregon for the following purpose:

To consider the request for a **Vacation of Public Right of Way to vacate the existing turn around at the terminus of Brophy Way and dedicate a revised hammerhead turnaround located near the end of Brophy Lane, Shady Cove Oregon.**

Applicant: Mike Malepsy File Number: VAC 20-01

Individuals may submit written comments relating to this planning action **at any time up to, and during, the public hearing**, although it is preferred that such comments be submitted to the City at least one week prior to the above scheduled hearing date so that they may be included in the agenda packet. The Planning Commission will consider written and oral comments at the hearing.

Failure to raise an issue at a hearing, in person or in writing, accompanied by statements or evidence sufficient to afford the decision maker and the applicant an opportunity to respond to the issue, shall preclude appeal to the Oregon State Land Use Board of Appeals based on that issue. All testimony and evidence must be directed towards the specific criteria listed above, copies of which are available at City Hall.

A copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at City Hall at no cost, and copies will be provided at a reasonable cost. The staff report will be available for public review seven days prior the public hearing at 22451 Highway 62, Shady Cove during regular office hours (Mon-Fri 8:00 am – 5:00pm). For more information please contact Ryan Nolan, City Planner at (541) 878-8202. Please mail comments to City of Shady Cove, PO Box 1210, Shady Cove OR 97539, or plan to attend; 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).

Posted: 08/17/20
Published: 08/19/20 & 08/26/20
Remove from Posting: 09/11/20

22451 Highway 62 ♦ PO Box 1210 ♦ Shady Cove OR 97539 ♦ (541) 878-2225 ♦ FAX: (541) 878-2226

E-Mail: djermain@shadycove.org ♦ Web Site: www.shadycove.org

An Ordinance of the City of Shady Cove, Oregon
An Oregon Municipal Corporation

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF THE EXISTING TURN AROUND AT THE TERMINUS OF BROPHY WAY AND ACCEPTING NEW PUBLIC RIGHT OF WAY IN THE FORM OF A HAMMERHEAD TURNAROUND NEAR THE TERMINUS OF BROPHY WAY

WHEREAS, Mike Malepsy, has petitioned the City of Shady Cove for the vacation of a portion of the existing turn around at the terminus of Brophy Way and adoption of a new section of public right of way in the form of a hammerhead turnaround in conformance with the State of Oregon Fire Apparatus Access standards as described in Exhibit A; and

WHEREAS, notice of the hearing on the vacation petition has been published as prescribed by ORS 271.110(1); and

WHEREAS, the City Council on _____, 2020, pursuant to ORS 271.100, determined that there appeared to be no reason why the petition for vacation should not be allowed; and

WHEREAS, the Shady Cove Planning Commission conducted a public hearing on September 10, 2020, and voted to recommend Council adoption of the ordinance, and

WHEREAS, the Shady Cove City Council considered the Planning Commission recommendation in a public hearing on _____, 2020, and voted to approve the ordinance.

NOW, THEREFORE, THE CITY OF SHADY COVE ORDAINS AS FOLLOWS:

Section 1. A portion of Brophy Way, further described in Exhibit "A" shall be vacated. A second area of new public right of way shall be accepted as part of the Brophy Way, this new hammerhead turnaround is described in Exhibit "A".

Section 2. The title to the property being vacated by this ordinance shall attach to the lands bordering on such equal portions in accordance with ORS 271.140.

Section 3. Pursuant to ORS 271.10, the City Clerk is hereby directed to file a certified copy of this ordinance and the map attached hereto as Exhibit "A" with the Jackson County Clerk, Jackson County Assessor, and Jackson County Surveyor.

Adopted by the Shady Cove City Council on this _____ day of _____ 2020.

Approved:

Attest:

Lena Richardson
Mayor

Thomas J. Corrigan
City Administrator

Council Vote:

Mayor Richardson _____
Councilor Mitchell _____
Councilor McGregor _____
Councilor Tarvin _____
Councilor Hohenstein _____

DRAFT

08/01/20 Through 09/04/20 Planning and Building Activities

BUILDING PERMITS

YEAR Permit No.	DATE	NAME	TYPE	ADDRESS	MAP	TAX LOT
20-42	8/7/20	Robin Capone	Replacement Home	190 Rene Dr	21A	6708
20-43	8/26/20	Robert Dusick	Encroachment Permit	Oak Ridge Dr		Crack Repair/Top Seal

Planning Applications

Paid	Property Action Log	Name	Address	Notices Mailed	Comments due back	Staff report due back	Section/TL
8/19/2020	HO 20-01	Bethany Lane	100 Hudspeth	NA			10CA 2800
8/3/2020	VAC 20-01	Mike Malepsy	Brophy Way Cul de sac	19-Aug-20	3-Sep-20	3-Sep-20	

FLOODPLAIN CLEARANCE FOR PERMIT