

Agenda
Shady Cove Planning Commission Public Hearing
Thursday, February 24, 2022
6:00 PM

<https://us02web.zoom.us/j/86774265105?pwd=VVNIUGxOdzIzS2w5Q1Z0aWpmeU0xUT09>

Meeting ID: 867 7426 5105

Passcode: 109180

One tap mobile

+12532158782,,86774265105#,,,,*109180# US (Tacoma)

+13462487799,,86774265105#,,,,*109180# US (Houston)

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 held on March 10 at 6:00 PM both in Council Chambers and via Zoom.
3. The meeting date is subject to change

II. Public Hearing

A) Public Hearing to Consider a Major Land Partition off of Hudspeth Lane

Continue Public Hearing.

A Public Hearing to accept public testimony and consider approval to allow a major land partition located off of Hudspeth Lane, Shady Cove, Oregon. Assessor's Map No. 34-1W-09DA, Tax Lot 706. Partition one lot, 1.76 acres into two parcels: Parcel 1: .56 acres and Parcel 2: 1.2 acres. Zoning is R-1-20 (Single Family Residential, 20,000 square foot minimum). Applicant: Ernest and Marilyn Killinger. File Number: MJP 21-02.

1. Read Public Hearing Opening Statement.
2. If you would like to speak before the Commission, please email ahead of time djermain@shadycove.org, sign sheet on the table or via Zoom raise your hand.
3. Jurisdiction Question.
4. Conflict of Interest.
5. Ex Parté 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. New Business

None

IV. Old Business

- A. Discussion Item – Conditional Use Permit Follow-up

V. Department Reports

- A. Planning Technician Report

VI. Public Comment

VII. Commissioner Comments

VIII. Adjournment



**CITY OF SHADY COVE PLANNING COMMISSION PACKET
 IN THE MATTER OF AN APPLICATION TO PARTITION 1.76 ACRES
 INTO TWO PARCELS, PROPERTY LOCATED OFF HUDSPETH LANE,
 SHADY COVE, OREGON. APPLICATION NO. MJP 21-02**

CONTINUE PUBLIC HEARING: THURSDAY FEBRUARY 24, 2022, 6:00 P.M.

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**CITY OF SHADY COVE
TYPE III STAFF REPORT**

**IN THE MATTER OF AN
APPLICATION TO PARTITION 1.76
ACRES INTO TWO PARCELS
APPLICATION MJP 21-02**

The City of Shady Cove has reviewed an application to partition a 1.76-acre parcel into two parcels: Parcel 1: 24,582.52 square feet (.56 acres); Parcel 2: 52,272 square feet (1.20 acres). Zoning is Single -Family Residential (R-1-20; 20,000 square foot minimum lot size for R-1-20. While no new public streets are proposed with this partition, the extension of an existing private street makes this a major partition. The subject site has no public street frontage, but does have legal access through a private street (a 40 foot wide access easement) created through approved partitions in 2018 and 2019. As the existing lot does not technically have frontage on a public street, and the private street proposed for extension does not meet the standards outlined in Table 6.B.1 of the Shady Cove Code of Ordinances, the Partition and street design will be forwarded to the Planning Commission for review and decision.

Address: Hudspeth Lane

Applicant: Ernest and Marilyn Killinger

Legal Description: 34-1W-09 DA, Tax Lot 706

Zoning: R-1-20

The City of Shady Cove accepted the above referenced application for a Type I review in accordance with the Shady Cove Code of Ordinances §153 and 154.

Approval Criteria / FINDINGS

The City or Planning Commission shall review the tentative plan for a minor partition based on the following approval criteria:

- (1) The proposed partition is consistent with the density, setback and dimensional standards of the base zoning district;

FINDING: The base zoning district is R-1-20.

- (2) The proposed partition is consistent with the design standards set forth in this chapter;

FINDING: The design standards for partitions as listed in SCCO § 153.09 - 153.99 are addressed by the applicant's surveyor on the tentative plan.

Section 153.17 requires findings that there will be no foreseeable difficulties in developing the parcels. All proposed new parcels as proposed will not have street frontage on a dedicated and improved public right of way. The proposed private street extension was planned with the previous partition approvals in 2018 and 2019, however does not meet the current private street standards found in Table 6.B.1 (effective March 2020). All parcels meet the required lot depth of 80 feet. All lots meet the required 3:1 lot depth to width ratio.

In accordance with Section 95.61 all streets within or adjacent to a development shall be improved in accordance with adopted City street standards. City street standards adopted in Table 6.B.1 describes the minimum street standard for local residential streets.

The street standard for a private street serving 2-6 lots is 20 feet of pavement with curb on each side. The existing private drive currently serves tax lots 702, 703, 704, 705, and 706. The proposed extension (already partially built) and partition will add one more lot to the private drive for a total of 6 lots served by the private drive. While the code (Table 6.B.1) requires private drives serving 2-6 lots to be paved to a width of 20 feet and to include curbs on each side, and requires public streets to be paved and include curbs, planter strips and sidewalks, the code also allows the Planning Commission to approve alternate street designs when deemed appropriate (Section 95.03(D)).

- (3) Adequate public facilities are available or can be provided to serve the proposed partition;

FINDING: All new utilities are to be installed to city standards and Rogue Valley Sewer Services specifications, with costs to be borne by the applicant. All future improvements must meet city standards;

FINDING: Any future improvements will be subject to review by the city engineer and will be required to meet city standards. No public improvements are proposed as part of the proposal.

- (4) All proposed improvements meet city standards;

FINDING: The street frontage does not meet the City Standards as outlined in Table 6.B.1 in that the existing street cross section does not include any paving or curbs.

- (5) The plan preserves the potential for future re-division of the parcels, if applicable;

FINDING: Parcel 2 would be large enough to allow future re-division. The current lot configurations could allow a public street to be built to allow future divisions.

- (6) Neither parcel shall be landlocked as a result of the partition.

FINDING: As mentioned above the subject parcel does not technically have public street frontage, and the current private drive design does not meet City Standards. While the proposed parcels would not be landlocked, it is up to the Planning Commission to consider if it is appropriate to approve further land division that utilizes an existing private drive that does not meet City Street Standards.

CONCLUSION:

The proposed partition complies with the criteria and standards in Code of Ordinances Chapters 153 and 154. With the exception of compliance with the street frontage and design standards found in Table 6.B.1

RECOMMENDATION:

Based on the criteria and findings the city planner forwards the application to the Planning Commission. The Planning Commission should use their discretion to make a decision as to the acceptability of the proposed partition. Should the Planning Commission find the street design acceptable, the city planner suggests approving the application for a major partition with conditions as described below:

CONDITIONS OF APPROVAL:

1. All improvements related to sewer main and private drive design shall be verified to be within the proposed ingress-egress easements and all other easements should be shown on the final plat or somehow indicated on the proposed parcels.
2. The final plat shall be delivered to the city for approval within one year following approval of tentative plat. The City may, upon written request of the subdivider, grant an extension for up to one additional year.
3. The final plat shall comply with the provisions of Section 153.06 (F) and (G) (Data requirements and approval criteria for tentative plats).
4. All future development is subject to compliance with the Shady Cove Code of Ordinances.



Ryan Nolan, City Planner

Dated this 18th day of January, 2022

CITY OF SHADY COVE
MAJOR LAND PARTITION
APPLICATION

\$1200.00

OFFICE USE:

Application No. MJP21-02 Received By D. Germain Date 12/29/21
Amount Paid \$1200.00 Receipt No. 27232 Hearing Date 2/10/22

TO BE COMPLETED BY APPLICANT:

Name of Property Owner(s): ERNEST + MARILYN KILLINGER

Property Street Address: 551 + 553 HUDSPETH LN SHADY COVE 92539

Between 535 HUDSPETH LN and 547 HUDSPETH LN streets.

County Assessor's Map & Tax Lot Number: Township 3rd Range 1W 090A Tract 706

Current Zoning: R1-20 Adjacent Zoning: R1-20, R1-10

MATERIALS REQUIRED (Application must include all required supplemental materials and application form at the time of filing.)

- 1) Attach a copy of recorded covenants, conditions or deed restrictions, if any, concerning the present use of this property.
- 2) Attach 2 copies of property plat map. (1 reduced to 8½ X 11")
- 3) Attach 2 copies of a plot plan indicating the existing property lines and the proposed use.
- 4) ~~Attach a list with the names and addresses of adjacent property owners within 250 feet of any boundary of the property.~~
- 5) Attach a metes and bounds description of the property.

Any person(s) or developer who proposes any dedication to the City shall enter into a bonding agreement with the City of Shady Cove prior to site plan review by the Planning Commission, or recordation of plat with Jackson County.

CERTIFICATION

I hereby certify that the information given above and attached hereto is true and correct, that the property owner is aware of and agrees with this application, and that falsification of fact will result in invalidation of the application. I understand that any approval given is valid for the specific project only, and is subject to all applicable laws, regulations and conditions. Further, I understand that the fee paid at the time of submitting this application does not cover any professional, legal, or consulting fees incurred by City and that I am responsible for all costs incurred by the City of Shady Cove in connection with processing this application.

APPLICANT'S SIGNATURE [Signature]

ADDRESS (539 HUDSPETH LN) P.O. 1239 SHADY COVE 92539 PHONE NUMBER 541-951-6750

PURSUANT TO ORS 227, THIS APPLICATION IS CONSIDERED COMPLETE WHEN REVIEWED, DATED AND SIGNED BY THE CITY PLANNER OR HIS/HER DESIGNATE

Signature [Signature] Complete Incomplete

Date 02/4/22

December 29, 2021

This letter is to inform you of the work and money we have put into the dividing of our 3.9 acres into 6 lots.

The first thing we did, with the help of Hiland Water, was to bring a 8 inch water main from the pump station on Hudspeth to our property. We then extended the three foot diameter culvert, that goes under Hudspeth, ten feet which widened Hudspeth. We did this because cars and a school bus kept driving into the ditch because it was too narrow. We paid for and installed the 10 foot section of culvert because the City wouldn't help. We asked the City to pay for a 20 foot section that I would go get and install for free. The answer was that they couldn't afford it.

We filled and compacted the section where the run-off stream was eroding the area. DEQ required two small retention areas which we put in place. We lined the run-off stream bed with shale rock.

Next we extended the road across from Kathleen to the end of our property which is the private gravel road that is in question.

We brought a pressure sewer main from the manhole on top of the grade before our property. We did this with the help of Visor Construction. They also pressure tested and help finish the sewer main to the back of our property. This included laterals for all 6 lots.

Hiland Water ran a 2 inch water main from the 8 inch main to the back of the property. There are 2 services installed for the four lots we sold.

We have paid for and installed a 4 inch electrical conduit to the end of the property and a transformer vault half way down the private road.

We have finished the gravel road to about one-third of the distance. As you can see we've spent almost all the revenue generated by the two sales. Paying off the property and bringing in all the services. We were told that we could have two lots a year without paving and curb and gutter. Please let us finish the gravel road so we can sell the final two lots. We are depending on that to subsidize our fixed income.

Thank you

E. J. Killinger
Marilyn Killinger

9/30/2021

We sincerely ask for a Class C variance on our private road. The reasons for this request are as follows:

First and foremost we cannot afford the new requirements in chapters 95 and 153

We did our due diligence when we purchased the property. We bought the property because we were allowed to take out two ½ acre lots a year without any subdivision rules.

We sold four lots in four years and invested the money back into the property.

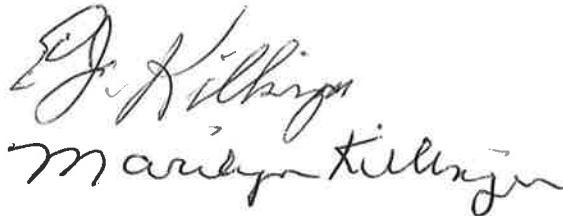
We brought water to the end of Hudspeth Lane with Hiland Water. Then we put in water, sewer and power to the end of our private road.

We had planned on the sale of the last two lots for our retirement. We are on Social Security. We will not be able to stay in our home if we cannot sell those last lots.

Please allow us to finish out property sale.

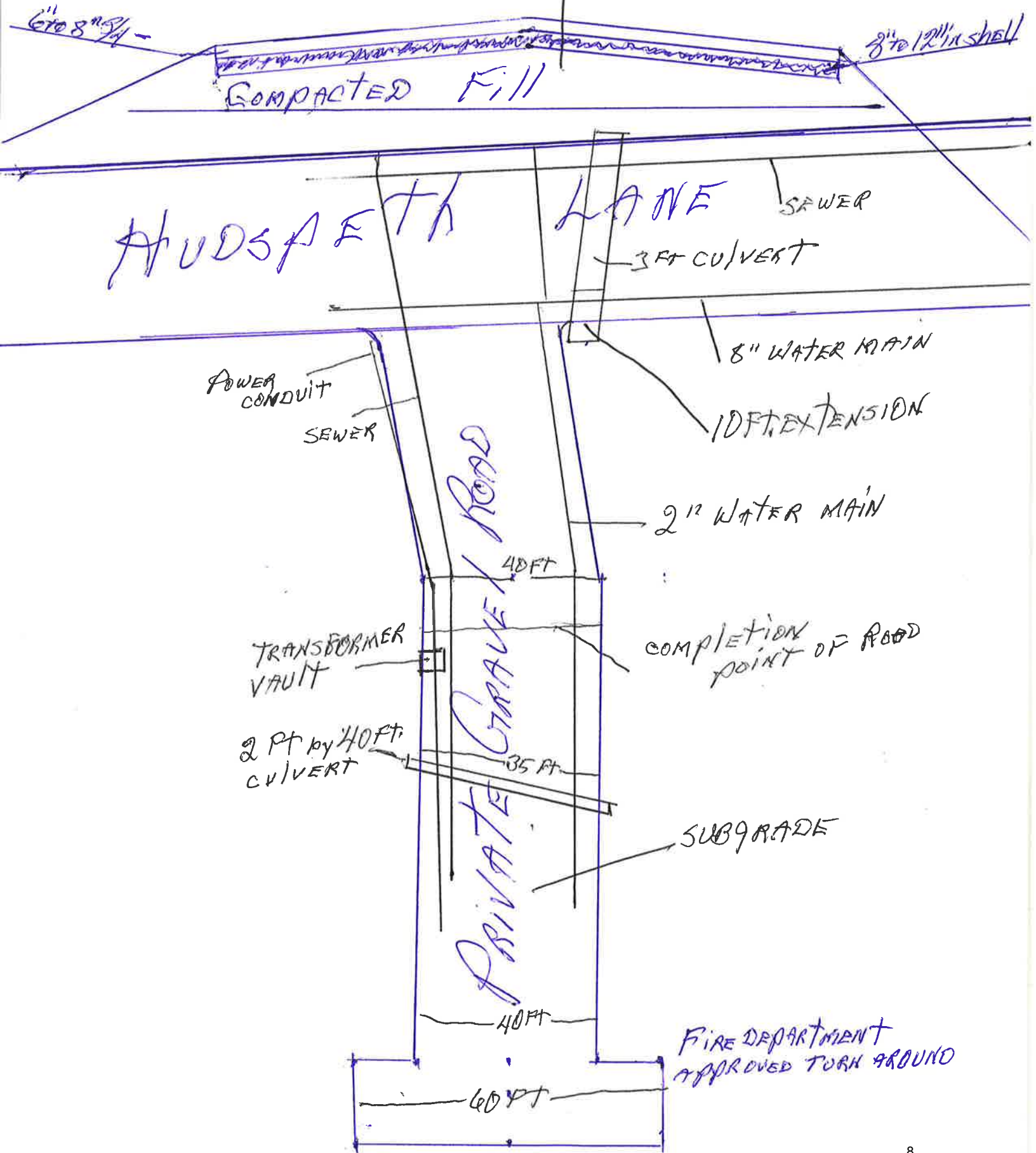
Please see the attached drawing with the address change dated 11/22/18.

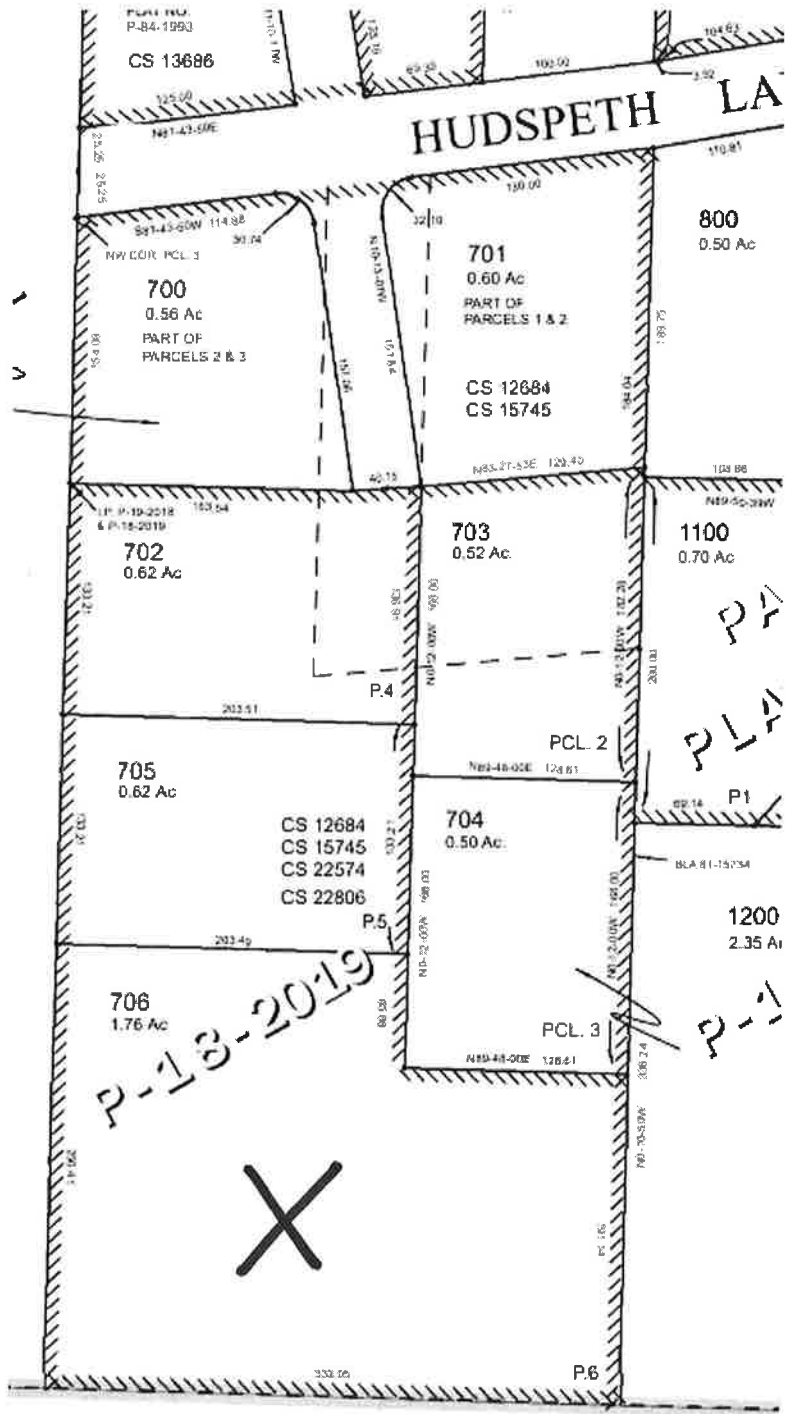
Thank you for your time,

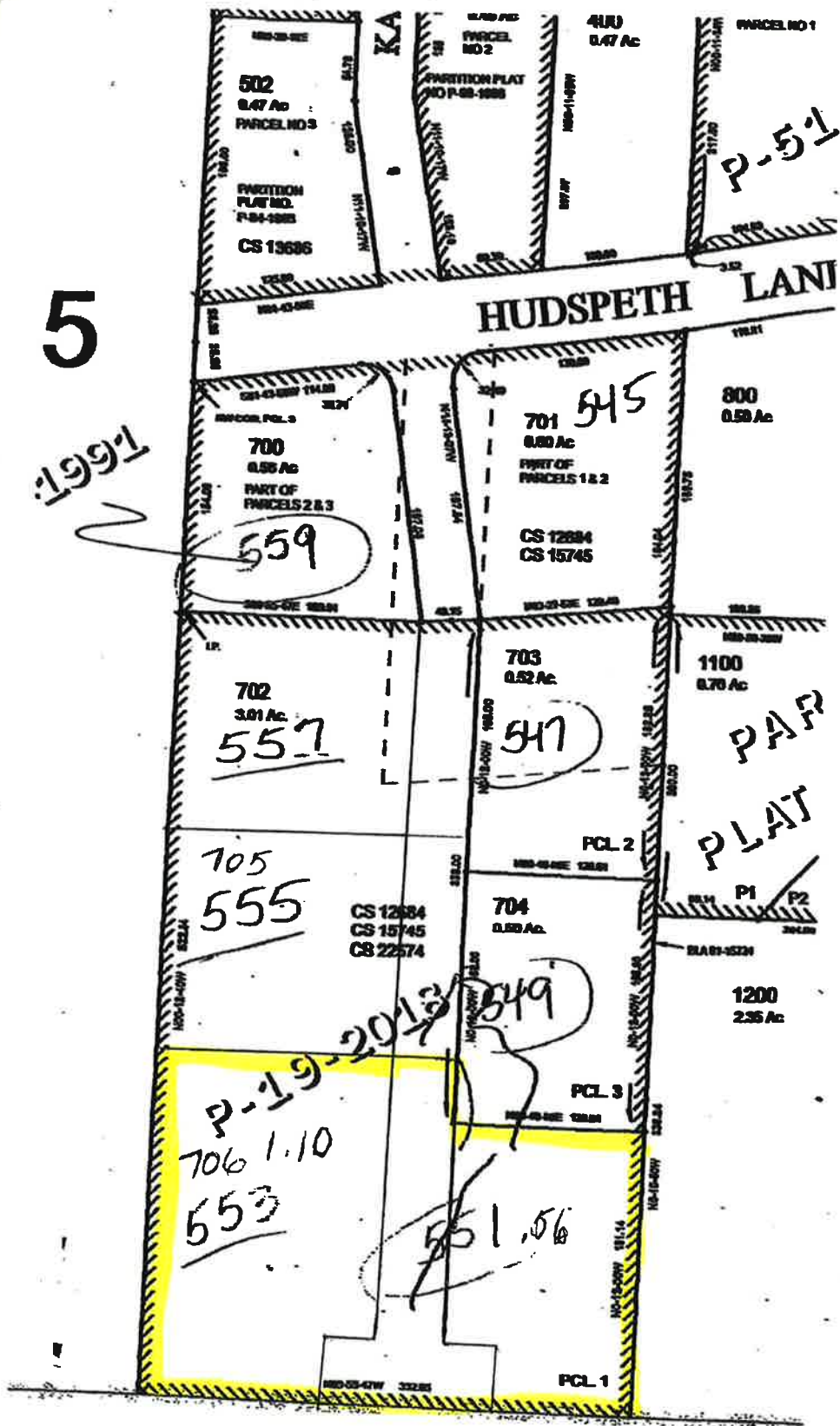


E. Killinger
Marilyn Killinger

CROSS SECTION OF ROAD







SEE MAP 34 1W 9

○ Address changes 11/27/18
 — Future addresses if partitioned



HUDSPETH

485 HUDSPETH LN

523 HUDSPETH LN

545 HUDSPETH LN

559 HUDSPETH LN

557 HUDSPETH LN

547 HUDSPETH LN

533 HUDSPETH LN

555 HUDSPETH LN

549 HUDSPETH LN

706

551 HUDSPETH LN

12/9/2021

This generic letter is to acknowledge that we as neighbors, have no problem with Ernie finishing the gravel road to the end of his property. Would you please grant him the variance he is applying for to finish this project without paving, and curb and gutter.

Signed:

Scott Smith

Address:

545 Hudspeth Ln SC. 012.

12/9/2021

This generic letter is to acknowledge that we as neighbors, have no problem with Ernie finishing the gravel road to the end of his property. Would you please grant him the variance he is applying for to finish this project without paving, and curb and gutter.

Signed:

Rita Carter


Address:

530 Hudspeth Lane
Shady Cove, Or.

12/9/2021


This generic letter is to acknowledge that we as neighbors, have no problem with Ernie finishing the gravel road to the end of his property. Would you please grant him the variance he is applying for to finish this project without paving, and curb and gutter.

Signed:  Brandon Crowl 12/10/21

Address: 535 Huds pete Ln.
Stacy Cove OR 97539

12/9/2021

This generic letter is to acknowledge that we as neighbors, have no problem with Ernie finishing the gravel road to the end of his property. Would you please grant him the variance he is applying for to finish this project without paving, and curb and gutter.

Signed: Ron Ross 

Address: 120 KATHLEEN TERR.
S.C.

12/9/2021


This generic letter is to acknowledge that we as neighbors, have no problem with Ernie finishing the gravel road to the end of his property. Would you please grant him the variance he is applying for to finish this project without paving, and curb and gutter.

Signed: MR. & MRS. RICHARD D MENDENTHALL


Address: OWNERS OF 755 HUDSPETH LN
SHADY COVE, OR. 97539

12/9/2021

This generic letter is to acknowledge that we as neighbors, have no problem with Ernie finishing the gravel road to the end of his property. Would you please grant him the variance he is applying for to finish this project without paving, and curb and gutter.

Signed: 
Scott Leppo

Address: 536 Hudspeth Ln
Shady Cove, OR 97539

12/9/2021

This generic letter is to acknowledge that we as neighbors, have no problem with Ernie finishing the gravel road to the end of his property. Would you please grant him the variance he is applying for to finish this project without paving, and curb and gutter.

Signed:

Edward A. L. P.

Address:

550 Hudspeth Lane
Shady Cove, OR.
97539

12/9/2021

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Signed:

Michael Horne

Address:

*547 Hudspeth Ln
Slady Cove Or
97539*

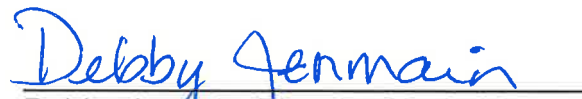


Mayor
Shari Tarvin

Councilors
Tim Evert
Tanda Murders

CERTIFICATE OF MAILING

I hereby certify that on January 20, 2022, I provided a copy of the REQUEST FOR AGENCY COMMENT APPLICATION NO. MJP 21-02 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 ♦ Web Site: www.shadycove.org

Juliana Van Sickle
Centurylink
2980 Crosby Ave
Klamath Falls, OR 97603

Thomas Corrigan
Email tcorrigan@shadycove.org

Candace Baker
Avista Utilities
580 Business Park Drive
Medford, OR 97504

Todd Brooks
JC Development Services
10 S Oakdale Ave Rm 100
Medford, OR 97501

Christina Kruger
Pacific Power
925 S Grape St
Medford, OR 97501

Carl Tappert, PE
District Manager, RVSS
PO Box 3130
Central Point, OR 97502

Ted Zuk
Jackson County
10 S Oakdale, Room 100
Medford, OR 97501

Shavon Haynes
Water Master's Office
10 S Oakdale Avenue, Room 309
Medford, OR 97501

Scott D Pingle, PE, SE
KAS & Associates, Inc
304 S Holly Street
Medford, OR 97501

Greg Winfrey
Fire District #4
PO Box 1400
Shady Cove, OR 97539

Bill Meyers
DEQ
221 Stewart Ave Ste. 201
Medford, OR 97501

JJ
Hiland Water
PO Box 699
Newburg, OR 97132

CITY OF SHADY COVE
PLANNING DEPARTMENT

REQUEST FOR AGENCY COMMENT

Applicant/Owner: Ernest and Marilyn Killinger

Date: 01/20/2022

Major Partition File No: MJP 21-02

Description of Property: 34-1W-09DA, Tax Lot 706 - Hudspeth Lane, Shady Cove, Oregon

Proposed Change: Major Land Partition. Partition one lot, 1.76 acres into two parcels:
Parcel 1: .56 acres, Parcel 2: 1.20 acres. Zoning is Low Density Residential (R-1-20),
20,000 square foot minimum

Response date and time: February 2, 2022, 5:00 p.m. to be included in Planning
Commission agenda packet.

This Application will be decided by the Planning Commission on February 10, 2022 at 6:00
p.m. in City Hall Council Chamber or via Zoom.

All subdivision plats and all partitioning of land shall be approved in accordance with the
regulations of Shady Cove Municipal Code including Chapters 153 and 154 and the criteria
attached, please address your comments to the appropriate criteria.

Issues which may provide the basis for an appeal to the Land Use Board Appeals shall be
raised in writing prior to the expiration of the comment period. Issues shall be raised with
sufficient specificity to enable the decision maker to respond to the issue.

A copy of all documents and evidence relied upon by the applicant are available for review and copies may be
obtained at cost. For more information please contact the Planning Department at City Hall, (541) 878-2225.

****Review and Comment****

_____ No adverse effect.

_____ No comment.

_____ It has adverse effects as stated below.

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



Mayor
Shari Tarvin

Councilors
Tim Evert
Tanda Murders

CERTIFICATE OF MAILING

I hereby certify that on January 20, 2022, I provided a copy of the Notification of Adjacent Property Use Proposal APPLICATION NO. MJP 21-02 by first class mail to the following (list attached):



Debby Jermain, Planning Technician

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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

RIVAS LUIS
7244 PONCE AVE
WEST HILLS, CA 91307

HONE MICHAEL J/AMANDA K
547 HUDSPETH LN
SHADY COVE, OR 97539

RICHTER MICHAEL
PO BOX 1126
SHADY COVE, OR 97539

KILLINGER ERNEST JOHN JR/MARI
PO BOX 1239
SHADY COVE, OR 97539

CROWL BRANDON S/MANDY S
PO BOX 1163
SHADY COVE, OR 97539

VOIN LEO A/ANDREA R
14N480 COOMBS RD
ELGIN, IL 60124

MALEPSY MICHAEL ET AL
36 MEADOW LN
SHADY COVE, OR 97539

~~RIVAS LUIS
7244 PONCE AVE
WEST HILLS, CA 91307~~

MENDENHALL RICK TRUSTEE ET AL
PO BOX 151
SHADY COVE, OR 97539

SCHOOL DISTRICT # 9
Nick Hogan
PO Box 548
Eagle Point, OR 97524

CITY OF SHADY COVE
PLANNING DEPARTMENT

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

Applicant/Owner: Ernest and Marilyn Killinger

Date: 01/20/2022

Major Partition File No: MJP 21-02

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"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."

A copy of all documents and evidence relied upon by the applicant are available for review and copies may be
obtained at cost. For more information, please contact the Planning Department at City Hall, (541) 878-2225.

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_____ No comment.

_____ It has adverse effects as stated below.

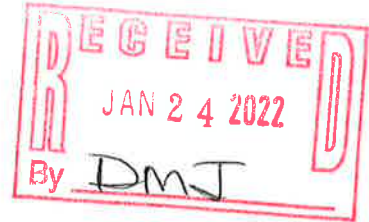
Signature: _____

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

CITY OF SHADY COVE
PLANNING DEPARTMENT



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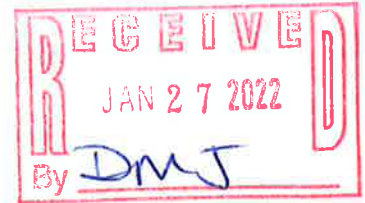
- No adverse effect.
- No comment.
- It has adverse effects as stated below.

Signature: Richard D Mendenhall
 Printed Name(s) RICHARD D MENDENHALL
 Street and Mailing Address: 255 HUDSPETH RD. P.O. B. 151, SHADY COVE, OR

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

97539

CITY OF SHADY COVE
PLANNING DEPARTMENT



REQUEST FOR AGENCY COMMENT

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****Review and Comment****

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

Signature: _____

Silas Olson

Printed Name(s) _____

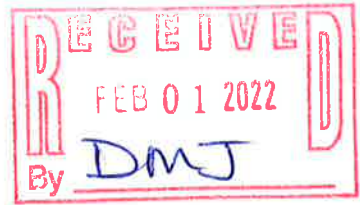
SILAS OLSON, Highland Water / Shady Cove Waterworks

Street and Mailing Address: _____

PO Box 699, Newberg, OR 97132

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

CITY OF SHADY COVE
PLANNING DEPARTMENT



REQUEST FOR AGENCY COMMENT

Applicant/Owner: Ernest and Marilyn Killinger

Date: 01/20/2022

Major Partition File No: MJP 21-02

Description of Property: 34-1W-09DA, Tax Lot 706 - Hudspeth Lane, Shady Cove, Oregon

Proposed Change: Major Land Partition. Partition one lot, 1.76 acres into two parcels:
Parcel 1: .56 acres, Parcel 2: 1.20 acres. Zoning is Low Density Residential (R-1-20),
20,000 square foot minimum

Response date and time: February 2, 2022, 5:00 p.m. to be included in Planning
Commission agenda packet.

This Application will be decided by the Planning Commission on February 10, 2022 at 6:00
p.m. in City Hall Council Chamber or via Zoom.

All subdivision plats and all partitioning of land shall be approved in accordance with the
regulations of Shady Cove Municipal Code including Chapters 153 and 154 and the criteria
attached, please address your comments to the appropriate criteria.

Issues which may provide the basis for an appeal to the Land Use Board Appeals shall be
raised in writing prior to the expiration of the comment period. Issues shall be raised with
sufficient specificity to enable the decision maker to respond to the issue.

A copy of all documents and evidence relied upon by the applicant are available for review and copies may be
obtained at cost. For more information please contact the Planning Department at City Hall, (541) 878-2225.

****Review and Comment****

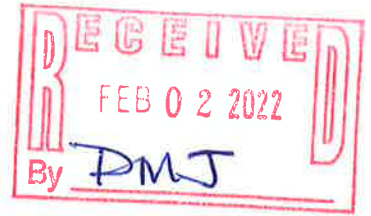
- No adverse effect.
- No comment.
- It has adverse effects as stated below.

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



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****Review and Comment****

_____ No adverse effect.

_____ No comment.

_____ It has adverse effects as stated below.

WHAT PUBLIC OR PRIVATE STREET PROVIDES LEGAL ACCESS
TO THESE LOTS? HOW DO PUBLIC FACILITIES SERVE THESE LOTS?

Signature: Scott D. Pingle

Printed Name(s) SCOTT D. PINGLE P.E., S.E.

Street and Mailing Address: 304 SOUTH HOLLY STREET, MEDFORD, OR 97501

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



Mayor
Shari Tarvin

Councilors
Tim Evertt
Tanda Murders

NOTICE OF PUBLIC HEARING

The City of Shady Cove Planning Commission will hold a Public Hearing at 6:00 p.m. on Thursday, February 10, 2022, at the Shady Cove City Hall Council Chamber, 22451 Highway 62, Shady Cove, Oregon for the following purpose:

The Public Hearing is to consider a partition of one lot 1.76 acres into two parcels at Hudspeth Lane, Map and Tax Lot: 34-1W-09DA, 706. Proposed parcel sizes will be, Parcel 1: .56 acres, Parcel 2: 1.20 acres. Zoning is Low Density Residential (R-1-20), 20,000 square foot minimum lots.

Applicant: Ernest & Marilyn Killinger.

File Number MJP 21-02.

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 specific criteria, copies of which are available at City Hall.

Please mail comments to City of Shady Cove, PO Box 1210, Shady Cove OR 97539. The agenda, staff report and any related material will be available for public review seven days prior to the Public Hearing at 22451 Highway 62, Shady Cove during regular office hours (Mon-Friday 8:00 am - 5:00 pm). Copies will be available for purchase. For more information please contact Ryan Nolan, City Planner at (541) 878-8204.

The public is invited to attend via Zoom 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) 878-8204. 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).

City Code related to outdoor storage or parking lot use in General Commercial

§ 154.082 CONDITIONAL USES.

The following uses and their accessory uses are permitted in this district (General Commercial) only when authorized by the Planning Commission in accordance with the conditional use permit requirements contained in §§ [154.395](#) through [154.404](#).

- (A) Any use listed as a "permitted use" that includes outdoor storage or sales;

§ 154.401 CRITERIA, STANDARDS AND CONDITIONS OF APPROVAL.

In determining whether or not a permit shall be approved, the Planning Commission shall find that all of the following criteria are met, can be met through specific conditions of approval, or are not applicable.

- (A) *Criteria.*

(1) The proposal meets the requirements for approval of the site development plan, as outlined in §§ [154.310](#) through [154.317](#).

(2) The proposed development or land use will not adversely affect the peace, comfort and livability of the neighborhood and adjacent uses.

(3) The proposed development or land use is of a type that is similar to or otherwise compatible with existing and permitted uses in the zoning district in which it is being proposed and will have no adverse impacts on the area's attractiveness, usefulness or value for additional development in the future.

(4) The characteristics of the specific proposed location are such that other already existing or proposed development in the vicinity will not adversely affect the continuation of this proposed use.

(5) The establishment, maintenance or operation of the proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.

(B) *Conditions of approval.* The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. Conditions and required improvements may include, but are not limited to:

- (1) Restrictions on times of operation of a business or other activity;
- (2) Duration of a particular use;
- (3) Physical improvements intended to minimize such environmental effects as noise, vibration, air pollution, water pollution, glare, odor, dust and visual degradation;

- (4) Increased lot or yard size or adjustments to yard or lot dimensions;
- (5) Limitations to the height, size or location of a structure on its property;
- (6) Dedication of public street right-of-way or additional width that may be required to bring a street up to the city standard;
- (7) Public facilities and services to serve the subject use and in a size that may be necessary to serve future development that is planned for the general area;
- (8) Drainage, screening, landscaping, fencing, lighting or other measures intended to reduce adverse effects on adjacent properties;
- (9) Preservation of natural trees and vegetation, water resources, wildlife habitat, historic resources and visual resources;
- (10) Size, number, location and/or design of vehicle access points or parking areas;
- (11) Requiring and designating the size, height, location and/or materials for fences; and
- (12) Other conditions intended to mitigate adverse effects on adjacent or nearby properties that might occur as a result of the approval of the proposed use or development.

§ 154.081 PERMITTED USES.

The following uses are permitted outright in the G-C District, subject to site plan review, development standards or other ordinance requirements:

- (B) Personal services, including:
- (19) Parking lots (commercial, private or public);

§ 154.334 DEVELOPMENT STANDARDS.

(A) The design and development of parking areas shall conform to the following standards.

- (1) *Ingress and egress.* The location of all ingress and egress points shall be subject to the city review and approval. All access points shall be clearly identified and kept to one or two points, of possible.
- (2) *Shared access.* Shared access driveway for access to parking on two or more adjacent properties may be approved, or required.
- (3) *Driveways.* Driveways shall not be at or within 20 feet of any intersection of public streets, highways or any combination thereof.
- (4) *Backing out prohibited.* In commercial or industrial developments, in all residential building containing three or more dwelling units, parking areas shall be designed to make it unnecessary for a vehicle to back into any public street.

(5) *Parking space dimensions.* Adequate provisions shall be given for ingress and egress by vehicles to all parking stalls by means of unobstructed maneuvering aisles or travel lanes.

(6) *Small car space adjustment.* In any parking lot containing 20 or more parking spaces, up to 25% of those spaces may be approved for compact cars by the Planning Commission. The spaces may be reduced in size to a width of eight feet and a length of 15 feet. All compact space shall be grouped together, and each space shall be clearly identified by a sign permanently affixed immediately in front of each space containing the notation "Compact Only".

(7) *Surfacing.* All parking areas containing four or more spaces shall be surfaced with asphalt or concrete pavement to provide a surface that is durable and dust-free and shall be so graded and drained as to properly dispose of all surface water.

01/01/22 Through 02/16/22 Planning and Building Activities

YEAR Permit No.	BUILDING PERMITS					
	DATE	NAME	TYPE	ADDRESS	MAP	TAX LOT
22-01	1/25/22	Clyde Norris	Change of Occupancy	360 Rene Dr	21D	1333
22-02	1/25/22	Clyde Norris	Encroachment Permit	360 Rene Dr	21D	1333
22-03	2/7/22	Avista	Encroachment Permit	140 Linda Ln	21AD	3906
22-04	2/16/22	Leslie Nicolini	Metal Shelter	385 Pinetop Terrace	10CB	1900

PLANNING APPLICATIONS

Property Action Log	Name	Address	Notices Mailed	Comments due back	Staff report due	Section/TL
Paid						

FLOODPLAIN CLEARANCE FOR PERMIT

1/14/2022 FPA 22-01 Malko Investme Brophy Way Riparian Permit