

Agenda
Shady Cove Planning Commission Public Hearings
Thursday, June 9, 2022
6:00 PM

Zoom Information: <https://us02web.zoom.us/j/89425944379?pwd=R2NIMTVvSFpHajloTmxKQmkybDd2QT09>

Meeting ID: 894 2594 4379

Passcode: 158042

One tap mobile

+16699006833,,89425944379#,,,,*158042# US (San Jose)

+12532158782,,89425944379#,,,,*158042# US (Tacoma)

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 June 23 at 6:00 PM both in Council Chambers and via Zoom.
3. The meeting date is subject to change

II. Public Hearings

A) Public Hearing to Consider a Conditional Use Permit located at 21300 Hwy 62

Open Public Hearing.

A Public Hearing to accept public testimony and consider the request for a Conditional Use Permit to approve outdoor storage associated with a trucking/transportation business. The property is located at 21300 Hwy 62, Shady Cove, Oregon. Assessor's Map and Tax Lot: 34-1W-15CC, 5800. Zoning is General Commercial, GC).

Owner: Luke Murphy, DMD Applicant: Danette Roan. File Number: CUP 22-02.

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

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).

9. Opponents' Testimony/Commission Questions.
10. Rebuttal.
11. Final Staff Comments.
12. Close/Continue Hearing.
13. Deliberations/Discussion/Decision.

B) Public Hearing to Consider a Conditional Use Permit located at 301 Walnut Lane

Open Public Hearing.

A Public Hearing to accept public testimony and consider the request for a Conditional Use Permit to provide a Vacation Rental by Owner. The property is located at 301 Walnut Lane, Shady Cove, Oregon. Assessor's Map and Tax Lot: 34-1W-16DC, 1604. Zoning is Low Density Residential, (R-1-20).

Owner/Applicant: Kingsley Wick Roan. File Number: CUP 22-03.

1. Read Public Hearing Open 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

- A. None

IV. Old Business

- A. None

V. Department Reports

- A. Planning Technician Report

VI. Public Comment

VII. Commissioner Comments

VIII. Adjournment



**CITY OF SHADY COVE PLANNING COMMISSION PACKET
PLANNING FILE NO. CUP 22-02**

**REQUEST FOR CONDITIONAL USE PERMIT LOCATED
AT 21300 HIGHWAY 62, SHADY COVE OREGON**

PUBLIC HEARING: THURSDAY JUNE 9, 2022, 6:00 P.M.

	INDEX	PAGE #
	Staff Report	2 – 13
	Conditional Use Permit Application	14 – 18
	Adjacent Property & Agency Request for Comments / Mailing	19 – 24
	Comments returned	25
	Legal Notice – Notice of Public Hearing	26



Type III Staff Report Conditional Use Permit

Date: May 31, 2022

Description of Property: 34-1W-15CC, Tax Lot 5800

Address: 21300 Highway 62

Planning Application: CUP 22-02

Owner/Applicant: Dr. Luke Murphy/Danette Roan

Proposal: Conditional Use Permit to allow a Commercial Truck Parking use

Zoning: GC (General Commercial)

Planning Commission Public Hearing Date: June 9, 2022

Conditional Use Permits shall be reviewed through a Type III review process as per §154.397, and subject to the criteria of Section 154.401.)

The Planning Commission shall make a Type III decision 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 Commission shall approve, approve with conditions, or deny the requested conditional use permit, or they may grant a continuance of the public hearing to a date, time, and place certain.

Purpose

Conditional uses are those found to require special consideration because of their unusual or unique characteristics, or characteristics of the area or district. The intent of this process is to help ensure that all land uses are properly located with respect to the city's goals and development objectives, and policies, and in a manner that will help ensure compatibility between neighboring uses and possible conflicting uses. **(SCCO§154.395)**

Approval Criteria and Findings Conditional Use Permit SCCO§154.401)

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 not applicable

(A) Criteria.

(1) The proposal meets the requirements for approval of the site development plan, as outlined in § 154.310 through 154.318.

FINDING: No structures or improvements are proposed by the applicant. The applicant has submitted a basic outline of the location of the use, but no description of sight improvement has been provided. The current Code of Ordinances has landscaping standards which have been included as Section 154.318. According to the section, all portions of a lot not otherwise developed with buildings, accessory structures, vehicle maneuvering areas, or parking shall be landscaped. The minimum landscape area standard allows the Planning Commission, to allow credit toward the minimum landscape area for existing vegetation that is retained in the development. At the minimum, and in order to be consistent with requirements of other applicants, the applicant should describe what landscape materials will be retained and what landscaping is proposed for the area not being utilized for outdoor storage. No description of the parking area surfacing has been provided. The applicant should submit a description of the existing parking area surfacing and any plans for surface improvement the applicant is proposing so that the Planning Commission and City Engineer can determine if the use will create any detrimental impacts related to storm water runoff, dust or mud creation, or potential impacts to neighboring property owner's asphalt. In accordance with Section 154.310 items that should be included on a site plan include;

(1) Proposed site plan. The site plan shall contain the following information, if applicable:

- The proposed development site, including boundaries, dimensions and gross area;
- Features identified on the existing site analysis map, which are proposed to remain on the site;
- Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
- The locations and dimensions of all proposed public and private streets, drives, rights-of-way and easements;
- The location, elevations and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
- The location and dimensions of entrances and exits to the site for vehicular, pedestrian and bicycle access;
- The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);
- Loading and service areas for waste disposal, loading and delivery;
- Other information, determined by the City. The city may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards and the like), in conformance with this chapter.

(2) Preliminary grading plan. (If grading or parking area preparation has already taken place it could be discussed in the application)

- A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 500 cubic yards or greater.

- The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.

(3) Landscape plan. A landscape plan is required and shall conform to the requirements of § 154.318.

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

FINDING: The property is zoned General Commercial, which permits the widest variety of uses in Shady Cove. The proposed use will involve the continued parking of commercial truck and trailer vehicles on the undeveloped southern portion of the lot, but will not permit wrecking yard type storage. Notice of the proposed use was mailed out to property owners within 200 feet of the tax lot. No property owners have submitted comment related to the proposed use.

(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.

FINDING: The proposal is being reviewed as a conditional use permit because it will involve outdoor storage (154.082(A)). Similar permitted uses in the GC district include ambulance and other emergency services, automobile repair services, commercial parking lots, and automobile, truck and boat sales lots. The proposed use is subject to conditional use permit review because it will include outdoor storage. The site was originally approved for development in 2009. The conditions of approval specifically stated that development of the unimproved southern portion of the property shall be preceded by a separate site plan review. The approval is attached as an exhibit.

(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.

FINDING: None of the surrounding uses appears to create any conflicts for the proposed use. The applicant is proposing to continue to gate the direct Highway 62 access and utilize the driveway to the commercially developed property to the south. Commercial uses exist on either side of the highway and to the north and south of the subject lot; residential uses are primarily to the east where there are existing single family homes in the R-3 (high density residential zone).

(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.

FINDING: The portion of the lot proposed for the commercial parking use is not developed, the area has no fencing, no parking lot surfacing, and no landscaping. Potential impacts include; increased traffic, potential for dust or mud related to unimproved parking area, and lack of screening related to industrial type outdoor storage along the main commercial corridor of town. The

applicant has not offered any proposed surface improvement or buffering to mitigate potential impacts created by the new use.

(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.

Conclusion

The applicant seeks to establish a commercial truck storage area at the southern portion of the subject lot. While the activity has taken place for some months, it has not been approved by the City. The proposed use is a new use and the site is unimproved. No new structures are proposed.

The applicant has submitted an application describing no attempt to mitigate any impacts created by the new use.

If the Planning Commission is satisfied that the proposal meets the criteria, or can meet the criteria with conditions, it should consider approving this application with the following conditions of approval:

- A. The following shall be accomplished before the commercial truck storage business may legally operate at the site.

1. The applicant shall submit a landscaping plan to the Planning Commission for approval.
2. The applicant shall submit a fencing plan to the Planning Commission for approval. The fencing shall be sight obscuring and shall buffer the view of the outdoor storage area from Highway 62.
3. The applicant shall submit a detailed description of the parking area surfacing to show that storm water runoff is managed, that efforts to limit dust area implemented, and to show that surfacing is sufficient to limit mud tracking onto adjacent properties. This description shall be reviewed by the City Engineer and approved by the City Planning Commission.
4. Applicant to comply with City of Shady Cove Business License requirements

B. The following shall be maintained throughout the operation of the business.

1. The storage area shall be maintained to limit dust creation, limit storm water from running onto adjacent properties, and limit mud from being tracked out to adjacent properties.
2. Development shall be consistent with the site plan or as modified by conditions of approval. Installation of any building; plumbing, electrical or mechanical equipment may require permits; call the City before you start work to inquire about permitting requirements.
3. Landscaping shall be maintained.
4. All uses must comply with all applicable state and federal environmental, health and safety regulations.
5. Signs require a permit; apply to City if any signs are to be erected, or altered.
6. No gate access on Highway 62 shall be open.

Respectfully submitted this 31st day of May 2022



Ryan Nolan, City Planner

Exhibit

BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE
COUNTY OF JACKSON, STATE OF OREGON

1
2
3 In the matter of consideration of:)
4 Construction of a dental office and two)
5 spaces for lease at the corner of Highway) Applicant: R. A. Murphy Construction
6 62 and Indian Creek Road. The property is)
7 described on the Jackson County)
8 Assessor's map as 34-1W-15CC, Tax Lot)
9 5800 and is zoned General Commercial
10 (GC). The situs address is 21300 Highway
11 62, Shady Cove, Oregon.
12
13

-
- 14
15 1. An application for a Site Development File SD-09-01 for location of a 6,056
16 square foot dental building and two spaces for lease at 21300 Highway 62 in
17 Shady Cove was filed and duly accepted by the City on January 22, 2009 and
18 certified complete on February 19, 2009.
19
20 2. Subject property, described as tax lot 5800 on the Jackson County Assessor's
21 Map No. 34-1W-15CC, is designated as General Commercial (GC) on the
22 General Land Use Plan and Zoning Map of the City of Shady Cove; and,
23
24 3. Ordinance No. 225 of the City of Shady Cove governs site development reviews.
25 within the corporate limits of the City and requires approval by the Planning
26 Commission; and
27
28 4. At a public hearing on February 26, 2009, after providing notice, the Planning
29 Commission considered the application and heard staff recommendations and
30 testimony from interested parties. The recommendations are contained in
31 reports which are a part of the record; and
32

BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE
COUNTY OF JACKSON, STATE OF OREGON

1
2 5. At the public hearing on February 26, 2009, the Planning Commission
3 deliberated on the record of the proceedings, after which a motion was made and
4 duly seconded to **approve** the conditional use permit with conditions. The
5 motion was passed by a unanimous roll call vote of those present.
6
7

8 **SUBSTANTIVE APPROVAL CRITERIA:**

9 The Planning Commission concludes that the following provisions of the Shady Cove
10 Zoning Ordinance constitute the approval criteria for this application:
11

12 Ordinance 225

13 Section 5, Definitions;

14 Section 24, Site Plan Review.

15 Section 26, Off Street Parking and Loading

16 Section 29, Sign Regulations
17

18 **FINDINGS:**

- 19
20 1. The Planning Commission hereby incorporates by reference all oral
21 deliberations and findings of fact established in the record of the Planning
22 Commission public hearing, and cites by reference: oral and written
23 testimony by the applicants; applicants' application; written comments from
24 ODOT; and findings of fact included in the City Planner's report dated
25 February 17, 2009 and the Public Works Director's report dated February
26 18, 2009 which are a part of the record.
27
28 2. The Planning Commission hereby finds that it has received all information
29 and evidence necessary to consider the application for Site Development.
30
31
32

BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE
COUNTY OF JACKSON, STATE OF OREGON

1 3. Public notice was provided through the notification of adjacent property
2 owners, mailing of the Planning Commission agendas to those interested
3 parties on the mailing list, providing a copy of the agenda to the Upper
4 Rogue Independent and placing the printed agendas in City Hall for the
5 review of interested parties. The Planning Commission finds and concludes
6 that proper notice has been given.
7
8
9

10 **DECISION:**

11 Based on the record of the public hearing on this matter, the Planning Commission
12 concludes that the case for a Conditional Use Permit authorization has been
13 substantiated and is in accordance with the requirements listed in Ordinance 225,
14 Sections 5 and 24. Therefore, the Planning Commission **conditionally approves** the
15 conditional use permit application based upon compliance with Ordinance No. 225 of
16 the City of Shady Cove.
17

18
19 **CONDITIONS OF APPROVAL:**
20

21 The approval of the Conditional Use Permit Application is based upon the
22 applicant's compliance with all city, county, state and federal regulations and the
23 following additional conditions:
24

25 _____ The driveway on Indian Creek Road shall be located as indicated on the site.
26 Approach permits shall be obtained from Jackson County prior to issuance of
27 building permits. The driveway from Highway 62 shall be moved farther
28 south to align with Cedar Street. ODOT's permits and reviews include:
29

30 a. The applicant shall provide to the City proof of a valid ODOT Road
31 Approach Permit (i.e., an access permit) for proposed access to OR-62, prior
32

BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE
COUNTY OF JACKSON, STATE OF OREGON

1 to the city's issuance of a building permit and actual construction. ODOT
2 access permitted is a two-step process involving a preliminary *Permit to*
3 *Construct a State Highway Approach* and a final *Permit to Operate, Maintain,*
4 *and Use a State Highway Approach*. Proof of a valid access permit shall
5 include an approved *Permit to Operate, Maintain and Use* the approach.
6

7 b. The applicant shall provide a valid ODOT Utility Permit for any work within
8 the OR-62 right-of-way (e.g., water, sewer, stormwater drainage, public
9 utilities, frontage improvements, et cetera).
10

11 c. The applicant shall provide a valid ODOT Miscellaneous Permit and a
12 maintenance agreement for the proposed landscaping within the OR-62 right-
13 of-way.
14

15 d. The applicant shall comply with the stormwater drainage and water quality
16 regulations provided as Attachment "A", consistent with local and state
17 drainage law if a net increase in stormwater runoff is proposed to flow to state
18 drainage facilities. ODOT shall require review approval of an adequate
19 hydraulic analysis (a stormwater management/water quality plan and design
20 narrative) completed by an Oregon licensed professional engineer.
21

22 — A minimum of 44 parking spaces shall be provided as shown on the plot plan.
23 At least two spaces must be handicap-accessible. Because the structure is
24 larger than 5,000 square feet, a loading space meeting the design standards
25 of Section 26.4 also shall be provided. If curbing is not installed, wheel stops
26 shall be place at the front of each space.
27

28 — A minimum of one bicycle parking space for every 10 motor vehicle parking
29 spaces shall be provided.
30
31
32

BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE
COUNTY OF JACKSON, STATE OF OREGON

1 ___ All trash containers for areas provided for that purpose shall be screened
2 from public view by landscaping or fencing, or a combination of both. .
3

4 ___ Landscaping shall be installed as proposed in the Planting Plan. An irrigation
5 plan shall be provided prior to issuance of permits.
6

7 ___ Any signs shall conform to the total sign requirements for the property,
8 outlined in Section 29.
9

10 ___ Development of the unimproved southern portion of the property shall be
11 preceded by a separate site plan review.
12

13 ___ DEW Engineering calculated the site disturbance area at 0.7 acres, therefore
14 based on that calculation, a 1200-C Permit from DEQ would not be required.
15 The engineer shall provide the City with a drawing showing the estimated site
16 disturbance area. The contractor will incorporate some measures to prevent
17 soil laden water from leaving the site, in particular, installing filter dams and
18 gravel entrances. The developer shall provide an erosion control plan and
19 obtain approval from ODOT, the City Engineer and the Public Works
20 Department prior to construction. Erosion control measures shall conform to
21 ODOT/APWA Standards. Typical ODOT/APWA Standard drawings are
22 attached.
23

24 ___ Concrete curbing shall be installed as shown on the site plan
25

26 ___ All storm water catch basins shall conform to ODOT/APWA standards: Area
27 drainage basin or field inlet. The development shall comply with ODOT
28 recommendations for all drainage onto Highway 62. The development shall
29 obtain approval from ODOT, Jackson County Roads, City Engineer and the
30 Public Works Department prior to construction. Typical attached.
31
32

BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE
COUNTY OF JACKSON, STATE OF OREGON



1 ___ The sanitary sewer line crossing Highway 62 shall be considered as a public
2 main extension. The crossing shall comply with ODOT requirements. The public
3 main extension shall be no less than 8 inches in diameter, complying with
4 ODOT/APWA Standards, from the proposed connection to the manhole located on
5 Cedar Street to the proposed new manhole on site. The connection to the
6 manhole on Cedar Street shall be bored and sleeved or link seal and comply with
7 DEQ guidelines. The main line extending to the north of the new proposed
8 manhole shall be considered as a public main line extension and can be no less
9 than 6 inches in diameter. DEQ will allow up to 250 feet of 6 inch pipe. IThe
10 Public Works Director recommends an 8 inch pipe diameter. This extension shall
11 have a cleanout at the end of the line. The developer shall extend the public main
12 to the south to accommodate future growth on the site. The main line extensions
13 shall have a minimum of 12 foot wide easement for maintenance access and
14 recorded as part of the deed. The sewer line extensions shall be engineered and
15 the design shall be submitted to DEQ, the Public Works Department and the City
16 Engineer for approval prior to construction.

17
18 ___ The applicant and/or developer shall comply with all rules and regulations of
19 the City of Shady Cove, Jackson County Building and Planning, the State Water
20 Resources Department, the Department of Environmental Quality, and all other
21 applicable agencies. The applicant and/or developer shall comply with all
22 recommendations of the City Planner, the City Engineer, the Public Works
23 Department and Fire District #4.

BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE
COUNTY OF JACKSON, STATE OF OREGON

1 This ORDER for APPROVAL is granted this 5th day of March 2009

2
3
4 ATTEST:

5
6
7
8  
9 Shirley Williams Margaret Borgen
10 Planning Commission Chair Deputy City Recorder

11
12
13 **NOTICE**

14 The Planning Commission Order is the final decision of the City Council of the City of
15 Shady Cove on this application unless an appeal is made to the City of Shady Cove City
16 Council.
17

18 This decision may be appealed to the Shady Cove City Council by filing a notice of
19 appeal, in writing, within 10 working days of the date this decision is mailed. This
20 decision is being mailed ^{by FAXed} on March 5th, 2009.
21
22

23 The appeal shall set forth in detail the appellant's relationship to the property, how the
24 decision will adversely affect the appellant, and the grounds upon which the appellant
25 believes this decision is incorrect.
26

27 Please contact Gretchen Meloth, Planning Secretary, at (541) 878-2225 for more
28 specific appeal information.
29
30
31
32

CITY OF SHADY COVE
CONDITIONAL USE PERMIT APPLICATION FEE \$600

OFFICE USE:

Application No. CUP 22-02 Received By D. Jermain Date 4-20-22
Amount Paid \$600.00 Receipt No. 27254 Hearing Date 6/9/22

TO BE COMPLETED BY APPLICANT:

Name of Property Owner(s): Dr Luke Murphy
Property Street Address: 21300 Hwy 62 Shady Cove OR 97539
Between Indian Creek Rd and Cedar St streets.
County Assessor's Map & Tax Lot Number: 341W15CC 5800
Current Zoning: Commercial Adjacent Zoning: Commercial

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.
- 3) Attach 2 copies of a plot plan indicating the existing property lines and the proposed use.
- 4) ~~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

Danette Roas

Ricknittransport@gmail.com

ADDRESS

21300 Hwy 62 Shady Cove OR 97539

PHONE NUMBER

503-539-4886
503-539-4886

PURSUANT TO ORS 227, THIS APPLICATION IS CONSIDERED COMPLETE WHEN REVIEWED, DATED AND SIGNED BY THE CITY

PLANNER OR HIS/HER DESIGNATE

Complete RW Incomplete _____

Signature

Amy Nash

Date

5/4/22

CITY OF SHADY COVE
CONDITIONAL USE PERMIT APPLICATION
Page 2

Attach additional sheets as necessary

Describe your proposal

Parking only of Commercial Vehicles

Demonstrate how the proposal complies with the following criteria §154.401(A):

- (1) The proposal meets the requirements for approval of the site development plan, as outlined in §§ 154.310 through 154.318. (Attached)

Yes

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

No it will not

- (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.

Yes

CITY OF SHADY COVE
CONDITIONAL USE PERMIT APPLICATION
Page 3

- (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.

yes

- (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

yes

Other comments you feel are pertinent to your application

We feel this Conditional Use permit is not necessary. We are not storing any vehicles on this property, we are using the lot to park commercial vehicles only! If we are asked to pave, or fence the whole perimeter, we will find elsewhere to park our vehicles and vacate the property. We rent the property for vehicle parking from Dr. Luke Murphy for a very little amount, Dr. Murphy is not willing to put a lot of conditions on property either.



LETTER OF AUTHORIZATION

Date 4/20/22

Let it be known that Danette Rouan is a duly authorized
Agent
 representative to act as my agent to perform all acts in conjunction with filling applications
 and/or other required documents relative to: CUP / Business License
for Kickin it Transport only
Type of Permit
 on my property located at: 21300 Hwy 62 Shady Cove OR 97539
Address or Road
 Town 34 South, Range 1W West, Section 15CC . Tax Lot 5800

X LuKe Murphy
Owner's Name (printed)

X LuKe Murphy
Owner's Signature

X P.O. Box 1150 Shady Cove OR 97539
Owner's Mailing Address

X 541-538-9883
Owner's Phone Number

Danette Rouan
Agent's Name (printed)

Danette Rouan
Agent's Signature

P.O. Box 671 Shady Cove OR 97539
Agent's Mailing Address

503-539-4886
Agent's Phone Number



Mayor
Shari Tarvin

Councilors
Tim Evertt
Tanda Murders
Paige Winfrey
Jay Taylor

CERTIFICATE OF MAILING

I hereby certify that on May 20, 2022 I provided a copy of the NOTIFICATION OF ADJACENT USE PROPOSAL APPLICATION NO. CUP 22-02 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

Mailed 5/20/22

~~SHADY COVE CITY OF
CITY HALL
SHADY COVE, OR 97539~~

VAN SICKLE MATTHEW
5872 TAMARACK LN
CENTRAL POINT, OR 97502

~~GOLD BAR INVESTMENTS LLC
PO BOX 39
SHADY COVE, OR 97539~~

~~EPPM LLC
PO BOX 3378
CENTRAL POINT, OR 97502~~

SHADY COVE MINI STORAGE LLC
PO BOX 955
SHADY COVE, OR 97539

~~GOLD BAR INVESTMENTS LLC
PO BOX 39
SHADY COVE, OR 97539~~

~~EPPM LLC
PO BOX 3378
CENTRAL POINT, OR 97502~~

~~SHADY COVE MINI STORAGE LLC
PO BOX 955
SHADY COVE, OR 97539~~

~~EPPM LLC
PO BOX 3378
CENTRAL POINT, OR 97502~~

PEAKS RANCH LLC
PO BOX 5055
CENTRAL POINT, OR 97502

TRG ENTERPRISES LLC
1296 S SHASTA AVE
EAGLE POINT, OR 97524

DAUENHAUER JOSEPH G JR TRUST
349 WILSON RD
ASHLAND, OR 97520

~~PEAKS RANCH LLC
PO BOX 5055
CENTRAL POINT, OR 97502~~

BARNES JEFF/JULIA
PO BOX 10
TRAIL, OR 97541

MURPHY FAMILY LLC ET AL
PO BOX 1150
SHADY COVE, OR 97539

MAUNU JAMIE A/CYNTHIA A
PO BOX 533
SHADY COVE, OR 97539

MCELROY HARLON V ET AL
PO BOX 207
SHADY COVE, OR 97539

HORN FAMILY LLC
21228 HWY 62
SHADY COVE, OR 97539

FOSENBURG STEVEN LOUIS ET AL
PO BOX 1135
SHADY COVE, OR 97539

~~MCELROY HARLON V ET AL
PO BOX 207
SHADY COVE, OR 97539~~

DIVINE FREDRIC C TRUSTEE ET A
1924 4TH ST
SAN RAFAEL, CA 94901

~~FOSENBURG STEVEN L /SALLY A
PO BOX 1135
SHADY COVE, OR 97539~~

HOLLAND RICHARD/KIMBERLY
PO BOX 167
TRAIL, OR 97541

COLVIN OIL I LLC
2520 FOOTHILL BLVD
GRANTS PASS, OR 97526

~~FOSENBURG STEVEN L /SALLY A
PO BOX 1135
SHADY COVE, OR 97539~~

~~MCELROY HARLON V ET AL
PO BOX 207
SHADY COVE, OR 97539~~

CREECH JOHN DAVID TRUSTEE ET
C/O DAVIES GENE C
12915 HIGHWAY 66
ASHLAND, OR 97520

~~FOSENBURG STEVEN L /SALLY A
PO BOX 1135
SHADY COVE, OR 97539~~

GOLD BAR INVESTMENTS LLC
PO BOX 39
SHADY COVE, OR 97539

~~CREECH JOHN DAVID TRUSTEE ET
C/O DAVIES GENE C
12915 HIGHWAY 66
ASHLAND, OR 97520~~

PECH RYAN ET AL
3193 ROGUE RIVER DR
EAGLE POINT, OR 97524

PETERSEN JOSEPH J TRUSTEE ET
3219 KODIAK ST
ANTIOCH, CA 94531

STANISLAWSKI NICOLE ET AL
PO BOX 1284
MEDFORD, OR 97501

RIDGLEY JAMES A ET AL
332 WOODLAKE DR
GRANTS PASS, OR 97527

Agencies

Micah Horowitz,
ODOT Region 3
100 Antelope Road
White City, OR 97503

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

CITY OF SHADY COVE
PLANNING COMMISSION

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-15CC, Tax Lot 5800, located at 21300 Hwy 62

PROPOSAL: Conditional Use Permit Application No. CUP 22-02. The request is approve outdoor storage associated with a trucking/transportation business. Zoning is General Commercial (GC).

DATE AND TIME OF MEETING: Thursday, June 9, 2022 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Highway 62 and via Zoom. RESPONSE DATE: May 31, 2022

APPLICANT: Danette Roan

OWNER: Luke Murphy, DMD

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 Type III decision 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 approve, approve with conditions, or deny the requested application for Conditional Use Permit.

The Conditional Use process is to help ensure that all land uses are properly located with respect to the city's goals and development objectives and policies, and in a manner that will help ensure compatibility between neighboring uses and possible conflicting uses.

§ 154.401 (A) CRITERIA OF APPROVAL.

- (1) The proposal meets the requirements for approval of the site development plan, as outlined in §§ 154.310 through 154.318.
- (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.

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): _____

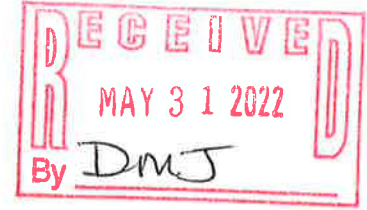
STREET AND MAILING ADDRESS: _____

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."

Debby Jermain

From: scott kasinc.com <scott@kasinc.com>
Sent: Tuesday, May 31, 2022 1:14 PM
To: Debby Jermain
Subject: 34-1W-15CC. TL 5800 (21300 Hwy. 62) CUP 22-02



Follow Up Flag: Follow up
Flag Status: Flagged

Debby:

The information I received shows NO PLAN of what will be stored or where it will be stored on-site. At the very least some type of site plan showing the location of the storage and what will be stored and the access to and from the storage area must be provided. A grading and drainage plan should also be provided, showing how the stormwater will be collected and where it will be discharged from the site. Any new discharge into HWY 62 right-of-way will require approval by ODOT, as will any new access points onto HWY 62. I truly need more information to make any substantive comments.

Scott D. Fingle, P.E., S.E.



304 S. Holly St.
Medford OR 97501
541-772-5807

CONFIDENTIALITY NOTICE: This message, together with any attachments, is intended for the use of the individual or entity to which it is addressed and may contain information that is legally privileged, confidential, and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message or any attachments is strictly prohibited. If you have received this message in error, please notify the original sender immediately by telephone at (541)772-5807, or by return e-mail, and delete this message, along with any attachments, from your computer. Thank you. KAS & ASSOCIATES, INC.



Mayor
Shari Tarvin

Councilors
Tim Evertt
Tanda Murders
Paige Winfrey
Jay Taylor

NOTICE OF PUBLIC HEARING

The City of Shady Cove Planning Commission will hold a Public Hearing at 6:00 p.m. on **Thursday, June 9, 2022**, at the Shady Cove City Hall Council Chambers, 22451 Highway 62, Shady Cove, Oregon or via Zoom for the following purpose:

To consider the request for a Conditional Use Permit to approve outdoor storage associated with a trucking/transportation business at **21300 Highway 62**. Said parcel is legally described as 34-1W-15CC, Tax Lot 5800, and is currently zoned as General Commercial.

Owner: Luke Murphy, DMD Applicant: Danette Roan File Number: CUP 22-02

Individuals may submit written comments relating to this planning action at any time up to two hours before the meeting. Email DJermain@ShadyCove.org or attend and comment in person at City Hall or via Zoom.

The applicable criteria and standards to be considered at the public hearing are found in the Shady Cove Code of Ordinances §§ Conditional Use Permit 154.401; Procedures 154.379.

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, or copies will be provided at a reasonable cost. The staff report will be available for public review seven days before the public hearing at 22451 Highway 62, Shady Cove during regular office hours.

Zoom Information: <https://us02web.zoom.us/j/89425944379?pwd=R2NlMTVvSFpHajloTmxKQmkybDd2QT09>

Meeting ID: 894 2594 4379

Passcode: 158042

One tap mobile

+16699006833,,89425944379#,,,,*158042# US (San Jose)

+12532158782,,89425944379#,,,,*158042# US (Tacoma)

Posted: 05/20/22
Published: 05/25/22
Remove from Posting: 06/10/22

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



**CITY OF SHADY COVE PLANNING COMMISSION PACKET
PLANNING FILE NO. CUP 22-03**

**REQUEST FOR CONDITIONAL USE PERMIT LOCATED
AT 301 WALNUT LANE, SHADY COVE OREGON**

PUBLIC HEARING: THURSDAY JUNE 9, 2022, 6:00 P.M.

	INDEX	PAGE #
	Staff Report	2 – 6
	Conditional Use Permit Application	7 – 14
	Adjacent Property & Agency Request for Comments / Mailing	15 – 19
	Comments returned	20 - 23
	Legal Notice – Notice of Public Hearing	24



Type III Staff Report Conditional Use Permit

Date: May 31, 2022

Description of Property: 34-1W-16DC, Tax Lot 1604

Address: 301 Walnut Lane

Planning Application: CUP 22-03

Owner/Applicant: Kingsley Wick

Proposal: Conditional Use Permit to permit a short term rental

Zoning: R1-20 (Single-Family Residential)

Planning Commission Public Hearing Date: June 9, 2022

Conditional Use Permits shall be reviewed through a Type III review process as per §154.397, and subject to the criteria of Section 154.401. Variances are also Type III decisions and subject to the criteria of Section 154.419(2), no variances are requested as part of this application.

The Planning Commission shall make a Type III decision 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 Commission shall approve, approve with conditions, or deny the requested conditional use permit, or they may grant a continuance of the public hearing to a date, time, and place certain.

Purpose

Conditional uses are those found to require special consideration because of their unusual or unique characteristics, or characteristics of the area or district. The intent of this process is to help ensure that all land uses are properly located with respect to the city's goals and development objectives, and policies, and in a manner that will help ensure compatibility between neighboring uses and possible conflicting uses. (**SCCO§154.395**)

Approval Criteria and Findings

A. Conditional Use Permit (SCCO§154.401)

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.

FINDING: No new structures are proposed. The existing single family 3 bedroom 1,974 square foot residence was constructed in 1980, there are also several garage and carport structures on the site. The site has a long shared driveway and ample parking area.

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

FINDING: The applicant has proposed a maximum number of four guest vehicles. The applicant also states they live nearby and would be managing the rental.

Section 154.476 establishes standards for vacation rentals as follows:

(A) Maximum occupancy: ten people.

(B) Maximum number of vehicles: four.

(C) Vehicles must be parked on the rental property, not on the public right-of-way.

(D) Not more than 50% of the front yard setback area may be used for parking. The balance must be landscaped to prevent parking.

(E) No outdoor activities, constituting a nuisance or loud noise are permitted after 9:00 p.m.

(F) Vacation rentals must comply with all city policies, standards and ordinances.

(G) Animals, other than service animals, are not permitted.

(H) Vacation rental property owners must subscribe to a scheduled waste collection service and provide garbage and recycling receptacles on the property.

(I) With the exception of enclosed barbecues, any outside fire is prohibited. These standards are included as conditions of approval.

No comments regarding the application were received during the comment period. The nearest vacation rental is approximately 1,220 feet away, located at 7266 Rogue River Drive.

(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.

FINDING: VRBOs are a conditional use permit in residential zones. One dwelling exists on the property and could be used for permanent housing. No structural alterations are proposed for the VRBO.

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

FINDING: None of the surrounding uses appears to create any conflicts for continuing the proposed use. Because the adjacent uses are residential they should cause minimal effect on the proposed use. However, Code of Ordinance Section 154.478(D) (D) states that written consent is required from affected property owners if the vacation rental property is accessed by a shared driveway. The code requires that a copy of the written consent is to be provided to the City Administrator. As this property has shared driveway access with both 295 and 297 Walnut Lane, written consent from both property owners must be submitted to the City Administrator prior to final approval.

(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.

FINDING: The proposed VRBO will be rented part-time, with occasional minimal increases in traffic, while use of the structure as a full-time rental would have a more constant effect on the neighborhood. The applicants do not intend to provide a new access from Walnut Lane, but will continue to use the existing access.

(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.

FINDING: The structure to be used as a vacation rental exists.

Conclusion

The applicant seeks to establish a vacation rental by owner (VRBO) that is a conditional use within residential zones.

If the Planning Commission is satisfied that the proposal meets the criteria, or can meet the criteria with conditions, it should consider approving this application with the following conditions of approval:

A. The following shall be accomplished before the property is rented as a short term rental.

1. Applicant shall submit written consent from the property owners of 295 and 297 Walnut Lane to the City Administrator due to the shared driveway.
2. Comply with all fire department requirements.
3. Comply with City of Shady Cove Business License requirements.

B. The following shall be maintained throughout the operation of the short term rental.

1. Applicant shall maintain business license and pay all appropriate City taxes and fees related to short term rental operation.
2. Maximum occupancy shall be limited to 10 individuals.
3. Vehicles must be parked on the rental property, not on the public right-of-way.
4. Not more than 50% of the front yard setback area may be used for parking, the balance must be landscaped to prevent parking.
5. No outdoor activities, constituting a nuisance or loud noise are permitted after 9:00 p.m.
6. Vacation rentals must comply with all city policies, standards and ordinances.
7. Animals, other than service animals, are not permitted.
8. Vacation rental property owners must subscribe to a scheduled waste collection service and provide garbage and recycling receptacles on the property.
9. With the exception of enclosed barbecues, any outside fire is prohibited.
10. Signs require a permit; apply to City if any signs are to be erected, or altered.
11. All uses must comply with all applicable state and federal environmental, health and safety regulations. Changes to the building; plumbing, electrical or mechanical equipment may require permits.

Respectfully submitted this 31th day of May 2022

A handwritten signature in black ink that reads "Ryan Nolan". The signature is written in a cursive, slightly slanted style.

Ryan Nolan, City Planner

CITY OF SHADY COVE
CONDITIONAL USE PERMIT APPLICATION FEE \$600

OFFICE USE:

Application No. CUP 22-03 Received By D. Denmain Date 5/9/22
Amount Paid \$600.00 Receipt No. 27256 Hearing Date TBD 6/9/22

TO BE COMPLETED BY APPLICANT:

Name of Property Owner(s): Kingsley Wick

Property Street Address: 301 Walnut, Shady Cove, OR 97539

Between _____ and _____ streets.

County Assessor's Map & Tax Lot Number: 341W16DC 1604

Current Zoning: R-1-20 Adjacent Zoning: _____

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.
- 3) Attach 2 copies of a plot plan indicating the existing property lines and the proposed use.
- 4) ~~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  NWBOSON@gmail.com

ADDRESS 205 Rene Dr, Shady Cove, OR 97539 PHONE NUMBER 503-928-4479

PURSUANT TO ORS 227, THIS APPLICATION IS CONSIDERED COMPLETE WHEN REVIEWED, DATED AND SIGNED BY THE CITY

PLANNER OR HIS/HER DESIGNATE

Complete RN Incomplete _____

Signature 

Date 05/11/2022

CITY OF SHADY COVE
CONDITIONAL USE PERMIT APPLICATION
Page 2

Attach additional sheets as necessary

Describe your proposal

Use existing home and site as short term rental

Demonstrate how the proposal complies with the following criteria §154.401(A):

- (1) The proposal meets the requirements for approval of the site development plan, as outlined in §§ 154.310 through 154.318. (Attached)

No changes to site, no new development, all safety and health regulations to be followed

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

On 1+ acre, with separation from neighboring properties

- (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.

Vacation Rental dwellings allowed per Shady Cove standards

CITY OF SHADY COVE
CONDITIONAL USE PERMIT APPLICATION
Page 3

(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.

No effects on existing uses of this or neighboring properties

(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

No health, safety or welfare impacts to neighborhood

Other comments you feel are pertinent to your application

Location allows for required on-site, off-street parking of four vehicles
with no impact on neighbors. No animals to be allowed. Weekly waste
collection, garbage, recycling to be provided. Owner lives nearby so
management of vacation rental guests is readily handled.



After recording return to:
Wick Revocable Living Trust
205 Rene, PO Box 427
Shady Cove, OR 97539

Until a change is requested all tax
statements shall be sent to the
following address:
Wick Revocable Living Trust
205 Rene, PO Box 427
Shady Cove, OR 97539

File No.: 7161-3496042 (RT)

Date: June 16, 2020

THIS SPACE R

Jackson County Official Records **2020-024630**
R-WD
Stn=10 SHINGLJS 07/16/2020 09:54:24 AM
\$15.00 \$10.00 \$11.00 \$11.00 \$60.00 **\$107.00**

I, Christine Walker, County Clerk for Jackson County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.

Christine Walker - County Clerk

15

STATUTORY WARRANTY DEED

Joseph Barbato, Grantor, conveys and warrants to **Kingsley R. Wick and Kelly K. Wick, Trustees of the Wick Revocable Living Trust u/a/d December 29, 2016**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$365,000.00**. (Here comply with requirements of ORS 93.030)

LEGAL DESCRIPTION: Real property in the County of Jackson, State of Oregon, described as follows:

COMMENCING AT A FOUND 1-3/4" IRON PIPE BEING THE SOUTH QUARTER CORNER OF SECTION 16 IN TOWNSHIP 34 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON, THENCE NORTH 0°07'50" EAST 690.12 FEET, THENCE NORTH 89°41'40" EAST 598.62 FEET TO A 5/8" IRON PIN, THENCE NORTH 0°01'20" EAST 271.55 FEET TO THE SOUTHWEST CORNER OF TRACT DESCRIBED IN DEED RECORDED AS NO. 80-09201 OF THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON, FOR THE TRUE POINT OF BEGINNING; THENCE CONTINUE NORTH 0°01'20" EAST 28.33 FEET TO THE NORTHEAST CORNER OF TRACT DESCRIBED IN DEED RECORDED AS NO. 76-19344 OF SAID OFFICIAL RECORDS; THENCE SOUTH 89°41'40" WEST, ALONG THE NORTH LINE OF SAID TRACT, 300.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 0°01'20" WEST, ALONG THE WEST LINE OF SAID TRACT, 300.00 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 89°41'40" EAST, ALONG THE SOUTH LINE OF SAID TRACT, 132.25 FEET TO A FOUND 5/8" IRON PIN; THENCE NORTH 0°01'20" EAST 271.55 FEET TO A POINT SOUTH 89°41'40" WEST OF THE TRUE POINT OF BEGINNING; THENCE NORTH 89°41'40" EAST 167.75 FEET TO THE TRUE POINT OF BEGINNING.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.



Mayor
Shari Tarvin

Councilors
Tim Evert
Tanda Murders
Paige Winfrey
Jay Taylor

CERTIFICATE OF MAILING

I hereby certify that on May 20, 2022 I provided a copy of the NOTIFICATION OF ADJACENT USE PROPOSAL APPLICATION NO. CUP 22-03 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

CITY OF SHADY COVE
PLANNING COMMISSION

NOTIFICATION OF ADJACENT PROPERTY USE PROPOSAL

DESCRIPTION OF PROPERTY: 34-1W-16DC, Tax Lot 1604, located at 301 Walnut Lane, Shady Cove

PROPOSAL: Conditional Use Permit Application No. CUP 22-03. The request is for a Conditional Use Permit to provide a Vacation Rental by Owner (VRBO). Zoning is Low Density Residential (R-1-20).

DATE AND TIME OF MEETING: Thursday, June 9, 2022 at 6:00 p.m.

LOCATION: City Hall Council Chamber, 22451 Highway 62 and via Zoom. RESPONSE DATE: May 31, 2022

APPLICANT/OWNER: Kingsley Wick

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 Type III decision 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 approve, approve with conditions, or deny the requested application for Conditional Use Permit.

The Conditional Use process is to help ensure that all land uses are properly located with respect to the city's goals and development objectives and policies, and in a manner that will help ensure compatibility between neighboring uses and possible conflicting uses.

§ 154.401 (A) CRITERIA OF APPROVAL.

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- (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.

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."

Adjacent Property Owners

mailed 5/20/22 No agencies

MYERS KATHERINE JUNE BOLING E
STRODTHOFF MICHELE LEE BOLING
PO BOX 381
SHADY COVE, OR 97539

WICK REV LIVING TRUST ET AL
205 RENE
SHADY COVE, OR 97539

KINGSBURY KERRY N ET AL
110 WALNUT LN
SHADY COVE, OR 97539

STOEBE BRIAN D/LOIS T
309 WALNUT LN
SHADY COVE, OR 97539

TERLACHER TERRELL ET AL
PO BOX 1591
SHADY COVE, OR 97539

STOEBE LOIS TAMARA ET AL
307 WALNUT LN
SHADY COVE, OR 97539

BREEDEN BRENT/ALI
300 WALNUT LN
SHADY COVE, OR 97539

~~STOEBE BRIAN D/LOIS T
309 WALNUT LN
SHADY COVE, OR 97539~~

LEE TONY A/AMY A
346 WALNUT LN
SHADY COVE, OR 97539

GRIEVE VERNON/AMY R
PO BOX 543
SHADY COVE, OR 97539

STRODTHOFF BRYAN/AMY
PO BOX 381
SHADY COVE, OR 97539

MURDERS TANDA R ET AL
138 ORCHARD LN
SHADY COVE, OR 97539

JOHNSTON RON
7055 ROGUE RIVER DR
SHADY COVE, OR 97539

BOGDANOFF DANIEL
124 ORCHARD LN
SHADY COVE, OR 97539

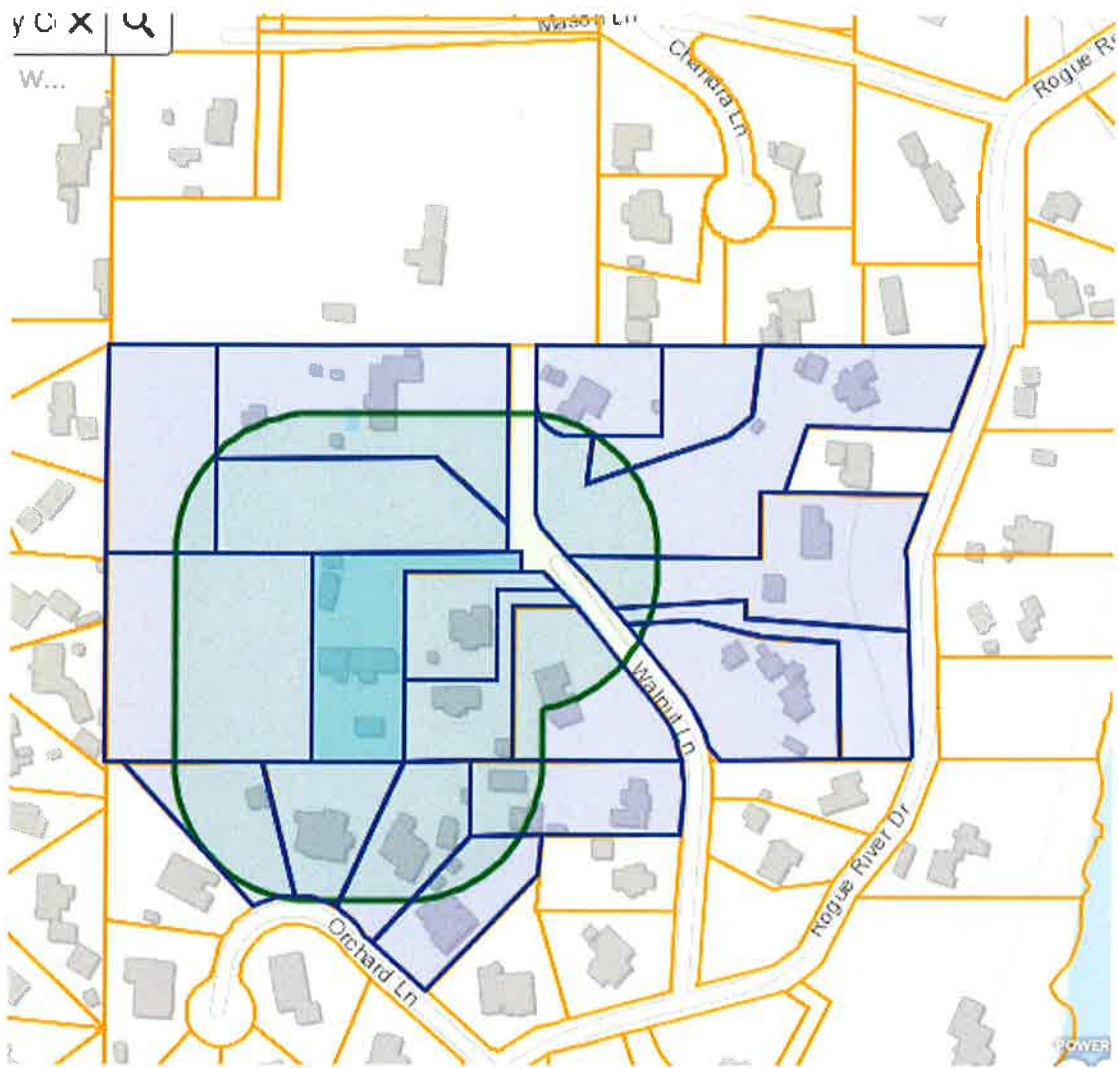
RAVANA RONALD R/ANDREA C
325 WALNUT LN
SHADY COVE, OR 97539

SHATSWELL LARRY P/SHARON L
118 ORCHARD LN
SHADY COVE, OR 97539

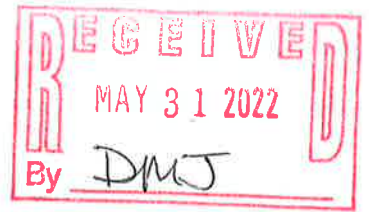
DAVENPORT SPENCER ET AL
PO BOX 5
SHADY COVE, OR 97539

ELLIS THOMAS E TRUSTEE ET AL
112 ORCHARD LN
SHADY COVE, OR 97539

BRIDGES ANTHONY S
295 WALNUT LN
SHADY COVE, OR 97539



CUP 22-03



**** REVIEW AND COMMENT ****

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

REMARKS: Have a lot of concern about the traffic going up & down
a dead end st. Concern about the noise in a quiet neighborhood

SIGNATURE: Michele J Strodtfog

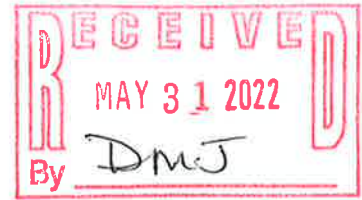
PRINTED NAME(S): Michele L Strodtfog

STREET AND MAILING ADDRESS: PO Box 381 385 Walnut Shady Cove, OR

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."

CUP 22-03



**** REVIEW AND COMMENT ****

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

REMARKS: Given our shared driveway with the applicant we have various concerns regarding this request for a Conditional Use Rental (VRBO) . These include, but are not limited to, traffic, hours of use, safety, security, and the overall impact a vacation rental may have on our quiet, residential, neighborhood.

SIGNATURE: *Spencer Davenport*

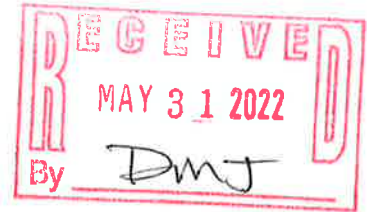
Please read this statement along with the attached letter at the Public Hearing. Thank you.

PRINTED NAME(S): Spencer and Amanda Davenport

STREET AND MAILING ADDRESS: 297 Walnut Lane / PO Box 5, Shady Cove, OR 97539

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."



May 31, 2022

City of Shady Cove
ATTN: Planning Commission
P.O. Box 1210
22451 Highway 62
Shady Cove, OR 97539

RE: 301 Walnut Lane (Request for Use as Vacation Rental/VRBO)

Dear Planning Commission,

First, I would like to thank you for your service to our city. I know you are serving as volunteers in an often-thankless role, but your service to our community does not go unnoticed. Thank you!

In regards to the proposed Conditional Use Permit to provide a Vacation Rental (VRBO) at 301 Walnut Lane, we wish to raise various concerns. Our property at 297 Walnut, along with our neighbor's property at 295 Walnut, shares a driveway with the subject property/applicant. The original intended use of this driveway was for single-family residences, not for multi-family and vacation-rental use. The current shared driveway was never intended for higher levels of use inherent with multi-family and vacation-rental use. The applicant is currently renting a portion of their property now which is more consistent with low density single-family residential zoning, however the applicant's proposal to add a Vacation Rental (VRBO) to the subject property creates a situation comparable to higher density zoning similar to multi-family housing. Given our shared driveway we are concerned with traffic; parking on our property (within the applicant's current access easement); the hours of use; and the potentially sporadic use of our shared driveway by individuals and/or vehicles which we do not recognize. The last of these concerns is especially troubling. With crime on the rise, both locally and nationally, the thought of unknown visitors in unfamiliar vehicles accessing a Vacation Rental via our shared driveway at various times and dates throughout the year undermines our sense of safety and security. Historically, our neighborhood has been quiet and peaceful. Most neighbors in our neighborhood recognize one another and each other's vehicles. When someone or something seems out of place in our neighborhood it is common for neighbors in our neighborhood to contact one another. The proposed use of a Vacation Rental within our neighborhood weakens the effectiveness of this shared vigilance and will result in a "revolving door" of unknown visitors in unrecognized vehicles entering and exiting our neighborhood.

We understand the applicants wish to maximize the financial benefit and use of their recently acquired investment property. However, without further clarifications and guarantees from the applicant that the concerns listed in this letter are addressed we cannot support the

applicants proposed request for Conditional Use to provide a Vacation Rental in our neighborhood. We believe the proposed use may adversely affect the peace, comfort, and livability of our property and our neighborhood. Therefore, we respectfully request that the Planning Commission deny the applicants request until these concerns and any others raised by other property owners in our neighborhood can be fully vetted. Furthermore, we wish that this letter be read during any and all Public Hearings related to this matter.

Respectfully,

A handwritten signature in blue ink that reads "Spencer Davenport". The signature is written in a cursive style with a large, prominent initial "S".

Spencer Davenport
297 Walnut Lane



Mayor
Shari Tarvin

Councilors
Tim Evertt
Tanda Murders
Paige Winfrey
Jay Taylor

NOTICE OF PUBLIC HEARING

The City of Shady Cove Planning Commission will hold a Public Hearing at 6:00 p.m. on **Thursday, June 9, 2022**, at the Shady Cove City Hall Council Chambers, 22451 Highway 62, Shady Cove, Oregon or via Zoom for the following purpose:

To consider the request for a Conditional Use Permit to provide a Vacation Rental by Owner at **301 Walnut Lane**. Said parcel is legally described as 34-1W-16DC, Tax Lot 1604, and is currently zoned as Low Density Residential.

Owner/Applicant: Kingsley Wick File Number: CUP 22-03

Individuals may submit written comments relating to this planning action at any time up to two hours before the meeting. Email DJermain@ShadyCove.org or attend and comment in person at City Hall or via Zoom.

The applicable criteria and standards to be considered at the public hearing are found in the Shady Cove Code of Ordinances §§ Conditional Use Permit 154.401; Procedures 154.379.

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, or copies will be provided at a reasonable cost. The staff report will be available for public review seven days before the public hearing at 22451 Highway 62, Shady Cove during regular office hours.

Zoom Information: <https://us02web.zoom.us/j/89425944379?pwd=R2NlMTVvSFpHajloTmxKQmkybDd2QT09>

Meeting ID: 894 2594 4379

Passcode: 158042

One tap mobile

+16699006833,,89425944379#,,,,*158042# US (San Jose)

+12532158782,,89425944379#,,,,*158042# US (Tacoma)

Posted: 05/20/22
Published: 05/25/22
Remove from Posting: 06/10/22

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